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SERVICE DATE - JANUARY 14, 2025

OEA

EAXX-472-00-0-1733303816

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 817X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Norfolk County, Mass.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Norfolk County, Mass. The rail line proposed for abandonment extends approximately 1.61 miles from milepost QVF 18.01 south of Union Street to milepost QVF 19.6 northeast of Grove Street, on CSXT's Northern Region, Franklin Subdivision (the Line).¹ A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in Franklin, Massachusetts. CSXT states that the Line was originally built in 1849 and became part of the New York, New Haven, and Hartford Railroad in 1898. Ownership of the Line was transferred several times over the years before being acquired by CSXT in 1999. According to CSXT, the last remaining rail customers, near Grove Street in Franklin, ceased operations in the early 2000's. CSXT states that the property south of the Line is part of the 22-mile Southern New England Trunkline Trail, a multi-use trail.

ENVIRONMENTAL REVIEW

CSXT submitted a combined environmental and historic report (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 salvage. CSXT served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation

¹ CSXT filed an errata on December 20, 2024, stating the correct length of the Line is 1.61 miles not 2.09 miles as was stated in its notice of exemption filed on December 3, 2024. The errata also corrects the milepost at the southern terminus from QVF 20.1 to QVF 19.6.

Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]² implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CSXT, no local traffic has moved over the Line over the last two years, and there is no overhead traffic on the Line that would have to be rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

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, CSXT plans to remove the rail and crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any bridges trestles, culverts, and tunnels on the Line would not be salvaged.

Upon receiving abandonment authority, removal of material would be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material.

CSXT states that it would transport crossties and/or other debris away from the Line and would not discard them along the right-of-way or place or leave them in streams or wetlands or along the banks of such waterways. Also, during track removal, appropriate measures would be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering waterways.

Land Use

CSXT considers the proposed abandonment to be consistent with existing land use plans. CSXT requested comments on the proposed abandonment from the Norfolk County Advisory Board. To date, OEA has not received a response. OEA is providing the Norfolk County Advisory Board a copy of this Draft EA for review.

² The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "817" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on December 3, 2024.

CSXT notified the United States Department of Agriculture’s Natural Resources Conservation Service (NRCS) of the proposed abandonment by letter dated November 12, 2024. To date, OEA has not received a response. However, because no sub grade salvage activities are proposed, OEA concludes that the proposed abandonment is unlikely to have an adverse effect on prime agricultural land.

Hazardous Materials/Spills and Safety

CSXT states that the proposed abandonment would have no detrimental effects on public health and safety. There are no known hazardous waste sites or sites where there have been known hazardous material spills on the Line. Therefore, OEA concludes that the proposed abandonment is unlikely to affect the transportation of hazardous materials.

Biological Resources

CSXT requested comments from USFWS regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. The New England Ecological Services Field Office of the U.S. Fish and Wildlife Service (USFWS) sent CSXT an Official Species List (dated November 6, 2024) that was generated from USFWS’ Information for Planning and Consultation (IPaC) system. To date, USFWS has not provided any additional comments. Three species were identified by the field office that may be affected by the proposed abandonment. No critical habitats were identified within the project area.

Protected Species That May Occur in the Project Area or be Affected by the Project	
Mammals	Status
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Endangered
Tricolored bat (<i>Perimyotis sublavus</i>)	Proposed Endangered
Insects	
Monarch butterfly (<i>Danaus plexippus</i>)	Candidate

To identify any changes to the species list generated in November 2024 and any wildlife refuges in the project area, OEA conducted its own search of the IPaC system.³ Since USFWS sent CSXT the IPaC list, the Monarch butterfly has been updated from a candidate to a proposed threatened species. No other changes to the species list were identified. OEA’s search also confirmed that there were no wildlife refuges within the project area.

Because no instream work is contemplated; no bridge, viaduct, embankment, or tree removal is contemplated; the scope of salvage is limited; no sub grade salvage activities are proposed; and no critical habitat is present, OEA concludes that the proposed abandonment would have no effect on these species. OEA is providing a copy of this Draft EA to the USFWS, New England Ecological Services Field Office for its review.

³ U.S. Fish and Wildlife Service, Information for Planning and Consultation Tool (IPaC), <https://ipac.ecosphere.fws.gov> (OEA accessed on December 16, 2024)

CSXT notified the National Park Service (NPS) of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. To date, NPS has not provided comments. Because the Line does not cross any wildlife sanctuaries or refuges, National or State parks or forests, OEA believes that no such area would be affected by the proposed abandonment.

Water Resources

The Line is not located within a Coastal Zone; therefore, no further consultation under the Coastal Zone Management Act is required.

CSXT requested assistance from the U.S. Army Corps of Engineers (USACE), New England District in identifying whether permits under Section 404 of the Clean Water Act (CWA) are required for the proposed abandonment. To date, USACE has not replied. Because no instream work is contemplated; no bridge, viaduct, embankment, or tree removal is contemplated; the scope of salvage is limited; no sub grade salvage activities are proposed; no dredging or use of fill in the removal of the track material is contemplated; and no salvage debris will be discarded along the right-of-way or placed or left in streams or wetlands or along the banks of such waterways, OEA believes that abandonment-related salvage activities would not require a permit under section 404 of the CWA, and that no waterways, wetlands, or 100-year flood plains would be affected. OEA is providing USACE, New England District a copy of this Draft EA for review.

CSXT requested assistance from the U.S. Environmental Protection Agency (USEPA), Region 1 in identifying whether permits under Section 402 of the CWA are required for the proposed abandonment. By email received on November 19, 2024, USEPA responded that based on the description of the proposed abandonment, a permit under Section 402 of the CWA is not required. USEPA also suggested CSXT should contact the Massachusetts Department of Environmental Protection (MassDEP) for assistance in determining whether the proposed action is consistent with applicable State or local water quality standards.

By letter dated November 12, 2024, CSXT requested assistance from MassDEP in identifying any potential effects on water quality standards. To date, MassDEP has not provided any comments. OEA is providing MassDEP a copy of this Draft EA for review.

Air Quality and Noise

OEA believes air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise related to abandonment activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Summary

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

following agencies for review and comment: Norfolk County Advisory Board; USFWS, New England Ecological Services Field Office; USACE, New England District; and MassDEP.

HISTORIC REVIEW

CSXT served the E&H Report on the Massachusetts Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁴ Based on available information, the SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Therefore, pursuant to the Section 106 regulations of the National Historic Preservation Act 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding as specified at 36 C.F.R. § 800.11(d), consists of CSXT's historic report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website www.stb.gov.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁵ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: Mashpee Wampanoag Tribe, Mohegan Tribe of Indians of Connecticut, and Narragansett Indian Tribe. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends no conditions be imposed on any decision granting abandonment authority.

⁴ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overviews historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed January 8, 2025).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the 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.⁶

TRAIL USE

A request for a notice of interim trail use (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.⁷

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 inquires to Surface Transportation Board, Office of Public Assistance, Government Affairs, and Compliance, Washington, DC 20423.

⁶ 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" "55" "817" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁷ Id.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.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.

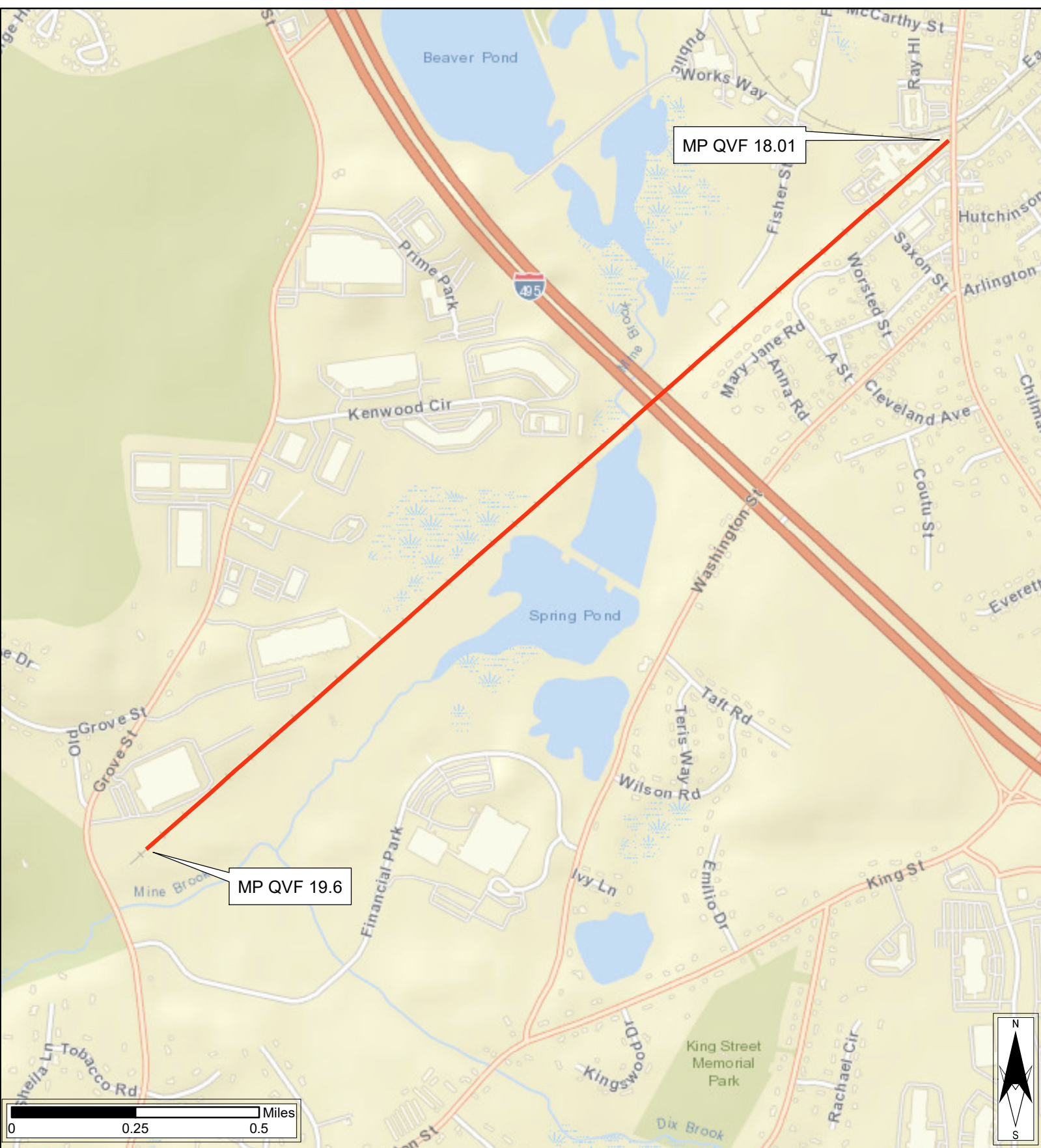
Alternatively, comments submitted by mail should be addressed to: Karen Stevens, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environment Filing, Docket No. AB-55 (Sub-No. 817X). If you have any questions, please contact Karen Stevens by email at Karen.Stevens@stb.gov or by phone at 202-245-0304.

Date made available to the public: January 14, 2025.

Comment due date: January 29, 2025.

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

Attachment



Docket No. AB 55 (Sub-No. 817X)
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Norfolk County, Mass.

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.

