

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 777X)

**CSX Transportation, Inc. – Abandonment Exemption –
in Fulton County, Georgia**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption 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 in Fulton County, Georgia. The 4.40-mile rail line proposed for abandonment, referred to as the A&WP Subdivision in its Southern Region, Atlanta Division, Atlanta Terminal extends from milepost XXC 0.0 at the switch to the Norfolk Southern, Oakland Junction near the Ormewood Station to milepost XXC 4.4 near Glenwood Ave SE in the City of Atlanta, Fulton County, Georgia (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CSXT submitted an Environmental Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment, including salvage and disposition of the right-of-way. CSXT served the Environmental Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ 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 for at least two years and all overhead traffic was rerouted years ago. 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

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 55 (Sub-No. 777X).

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. CSXT states that, if abandonment authority is granted and an interim trail use agreement is reached, CSXT would salvage the track but leave bridges, culverts, and sub-grade structures like culverts in place. CSXT has submitted a letter agreeing to negotiate with Atlanta BeltLine, Inc. (Atlanta BeltLine) in response to Atlanta BeltLine's filing of a request for interim trail use. Comments on the Environmental Report were submitted by several federal and state agencies, and are discussed in the corresponding sections below.

Land Use

According to CSXT, the Line passes through a low-density area of Atlanta, with surrounding land uses consisting of low-density residences, commercial, and industrial areas. According to CSXT, the proposed abandonment is consistent with existing state and regional land use plans. The proposed abandonment's right-of-way traverses land that was previously converted to non-farming use, therefore OEA believes that no prime farmland will be adversely affected as a result of this abandonment. If the proposed abandonment were approved, at-grade crossings would be removed, increasing safety at road crossings by removing an impediment to local surface traffic, including first responders.

The Georgia Department of Natural Resources, Environmental Protection Division, commented that the project is considered to be consistent with state or regional goals, policies, plans, fiscal resources, criteria for development of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which DNR is concerned, adding that their finding does not relieve CSXT of any responsibility to comply with all applicable federal, state, and local environmental requirements.

Coastal Zone Compliance

Fulton County, Georgia, is not located in a Coastal Barrier Resource Act area; therefore, the proposed abandonment does not require a federal consistency determination.

Water Resources

CSXT plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to CSXT, salvage activities would not cause sedimentation or erosion of the soil, and CSXT does not anticipate in-stream work, dredging, or use of fill when removing the track material. Under these circumstances, CSXT believes that no permits under Section 404 of the Clean Water Act would be required for the proposed abandonment. CSXT states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. Additionally, CSXT does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures, including a National Pollutant Discharge Elimination System permit under Section 402 of the Clean Water Act. Accordingly, OEA is recommending that a condition be added to any decision authorizing abandonment requiring that CSXT consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the U.S. and comply with the reasonable requirements of any permits issued by the Corps related to salvage activities. OEA is providing the Corps a copy of this EA for its review.

Hazardous Materials

CSXT identified three historic spills of hazardous substances that occurred within the Line: a 10-gallon diesel spill from a tractor; oil, coolant, and transmission fluid spills related to an occupant's motor vehicles but was found to need no remedial action in 1995; and a release from a property at Mead Street acquired by CSXT from H.B. Fuller Company in 1989. OEA's review has not found any federally listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

Based on the U.S Fish & Wildlife (USFWS) Service Environmental Conservation Online System's Information for Planning and Consultation (IPaC) report, one endangered flowering plant may occur within the proposed project area: Michaux's sumac (*Rhus michauxii*). No critical habitat for Michaux's sumac is present in the project area. OEA has determined that the proposed abandonment of the Line will have no effect on this species, as it is unlikely that this species would be present in the right-of-way due to the routine maintenance typical of rail lines. OEA is providing USFWS a copy of this EA for its review.

Air Quality

Because salvage operations would be limited in scope and areal extent, and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that salvage activities 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 EA to the Corps, USFWS.

HISTORIC REVIEW

CSXT served the Historic Report on the Georgia State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).²

According to CSXT, the Atlanta and West Point Rail Road (A&WP) was a railroad in Georgia forming the east portion of the Atlanta-Selma West Point Route. The company was chartered in 1847 as the Atlanta and LaGrange Rail Road and renamed in 1857; construction of the five-foot gauge line was begun in 1849-50 and completed in May 1854. A large minority interest owned by the Georgia Railroad and Banking Company eventually passed under the control of the Atlantic Coast Line Railroad (ACL), which later acquired a majority of the stock. In the late 20th century restructuring, through the Seaboard Coast Line Railroad (SCL), successor to the ACL, the A&WP came under the Family Lines System banner in 1972. Years later in June 1986, it was merged into the Seaboard System Railroad, successor to the SCL. The former A&WP property is now owned by CSX Transportation. In its report, CSXT described six bridges and one tunnel on the Line that are greater than 50 years old; bridges at mileposts XXC 0.70, XXC 1.60, XXC 2.40, XXC 3.53, XXC 3.94, and the tunnel at XXC 2.0 were built in 1927, and the bridge at XXC 1.30 was built in 1952.

OEA has not heard from the Georgia State Historic Preservation Officer (SHPO) and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

² 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 on the Board's website at [https://www.stb.gov/stb.docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb.docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.³ The database indicated that the Eastern Band of Cherokee Indians is a federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to the Eastern Band of Cherokee Indians for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- **CSX Transportation, Inc. (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 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 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis regarding any consultations with the Georgia State Historic Preservation Office 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.**

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 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.

³ Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD> (last visited January 10, 2018).

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 Federal Register notice.

TRAILS 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 if 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).

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, 395 E. Street SW, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 777X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: January 12, 2018.

Comment due date: January 29, 2018.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment



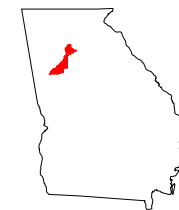
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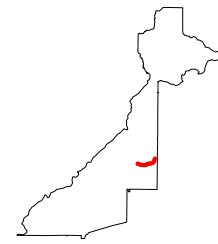
Legend

— the Line

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



Location in State



Location in County

