

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 805X)

**CSX Transportation, Inc. – Abandonment Exemption –
In Davidson County, Tenn.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a petition under 49 U.S.C. § 10502 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Davidson County, Tennessee. The rail line proposed for abandonment extends approximately 2,262 feet from milepost Val Sta. 2403+77 to milepost Val Sta. 2426+39 on CSXT's Nashville Division, Nashville Terminal Subdivision (the Line). The Line is located in an industrial section of Nashville, immediately adjacent to Cowan Street and approximately 1100 feet east of the Cumberland River. 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, CSXT would be able to salvage the track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSXT, there are no current customers on the Line. Within the last two years, the Line served Cherokee Marine Terminals (CMT) and Kenwal Steel Corporation (KSC) but both shippers have sold their properties and relocated, and no longer require rail service at this location. CSXT indicates that Monroe Infrastructure, LLC (Monroe) is the new owner and intends to redevelop the properties to retail, residential, and office space consistent with the City's recent zoning change. As there are no prospects for future shippers, CSXT seeks to abandon its interest in the Line and sell the right-of-way to Monroe to facilitate the redevelopment of the adjacent property.

The right-of-way is generally 50 feet in width and the topography is flat. CSXT states that there are no bridges on the Line. The Line traverses United States Zip Code 37207. Based on information in its possession, CSXT indicates that the Line does not contain any federally granted rights-of-way.

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 Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ 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, CMT shipped seven carloads in 2020 and KSC shipped two carloads in 2019 but both shippers have since relocated and the CMT and KSC properties have been purchased by Monroe for mixed-use development. As there are no active shippers on the Line and no need to reroute any overhead traffic, CSXT intends to sell the Line to Monroe for redevelopment, should the proposed abandonment be authorized. 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, CSXT intends to salvage the Line's rails, crossties and possibly the upper layer of ballast but does not intend to disturb any subgrade or subgrade structures. Bridges, trestles, culverts, and tunnels would remain in place. Salvage activities would be accomplished through existing right-of-way and access roads and tree removal is not anticipated. CSXT 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. During salvage, CSXT would also implement appropriate spill prevention and control measures.

CSXT submitted the E&H Report to the U.S. Fish and Wildlife Service, Tennessee Ecological Service Field Office (USFWS) for review of the potential impact the proposed abandonment may have on protected wildlife, including federally listed threatened and endangered species under the Endangered Species Act (16 U.S.C. § 1531 et seq.). To identify protected species in the project area, CSXT conducted a search of the USFWS Information for Planning and Consultation (IPaC) system² and submitted those results to USFWS. In a reply

¹ The E&H Report is available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "805" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on June 30, 2021.

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC)

dated June 9, 2021 (USFWS Consultation Code: 04ET1000-2021-SLI-0781), USFWS stated that there is no critical habitat within the area of the proposed abandonment. Although there is no critical habitat, CSXT's IPaC search identified 12 threatened or endangered species that may occur in the project area. The 12 species include three bats (gray bat [*Myotis grisescens*], northern long-eared bat [*Myotis septentrionalis*], and Indiana bat [*Myotis sodalis*]); four clams (cumberlandian combshell [*Epiobasma brevidens*], orangefoot pimpleback [*Plethobasus cooperianus*], pink mucket [*Lampsilis abrupta*], and ring pink [*Obovaria retusa*]; and five flowering plants (braun's rock-cress [*Arabis perstellata*], guthrie's ground-plum [*Astragalus bibullatus*], leafy prairie-clover [*Dalea foliosa*], prices potato-bean [*Apios priceana*], and short's bladderpod [*Physaria globosa*]. For the northern long-eared bat, USFWS noted that the proposed abandonment may affect the species; however, any take that may occur as a result of salvage activities is not prohibited under the Endangered Species Act, Section 4(d) rule adopted for this species at 50 C.F.R. § 17.40(o). With respect to the remaining 11 species, OEA has determined that these federally listed threatened or endangered species would not be affected because of the limited scope of proposed salvage activities and that the area is located in a built environment that is undergoing redevelopment. Specifically, OEA concludes the two remaining bat species would not be affected because CSXT anticipates that salvage activities would not entail tree removal and would be confined to existing right-of-way and access roads. OEA concludes that the five clam species would not be affected because CSXT would not remove any bridges or culverts, disturb the underlying roadbed (thus avoiding potential erosion and sediment from entering any adjacent waterways), or conduct any work in or near waterways. For the flowering plants, OEA believes it is unlikely that any would exist in the railroad right-of-way because these species prefer wooded slopes, bluffs, wooded glades, or open prairies, none of which occur in the existing built environment surrounding the proposed abandonment. OEA is providing a copy of this Draft EA to USFWS for its review.

CSXT submitted the E&H Report to the U.S. Environmental Protection Agency, Region 4 (USEPA) and the U.S. Army Corps of Engineers, Nashville District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from either agency. OEA does not anticipate the need for permits under the CWA because CSXT does not intend to disturb any roadbed underlying the Line or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to the USEPA and USACE for review.

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

The National Geodetic Survey (NGS) has indicated that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Similarly, any noise related to

System, <http://ecos.fws.gov/ipac> (OEA confirmed these species on July 26, 2021).

salvage operations would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

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: the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; and the U.S. Environmental Protection Agency.

HISTORIC REVIEW

CSXT 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 Tennessee Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has 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.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 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 the railroad'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 at <https://prod.stb.gov>.

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.³ The database indicates that there are five 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 tribes are: the Alabama-Coushatta Tribe of Texas; the Coushatta Tribe of Louisiana; the Eastern Band of Cherokee Indians; the Eastern Shawnee Tribe of Oklahoma; and the Muscogee (Creek) Nation. 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.

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited July 26, 2021).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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.⁴

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 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.⁵

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.

⁴ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov/> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "805" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁵ Id.

COMMENTS

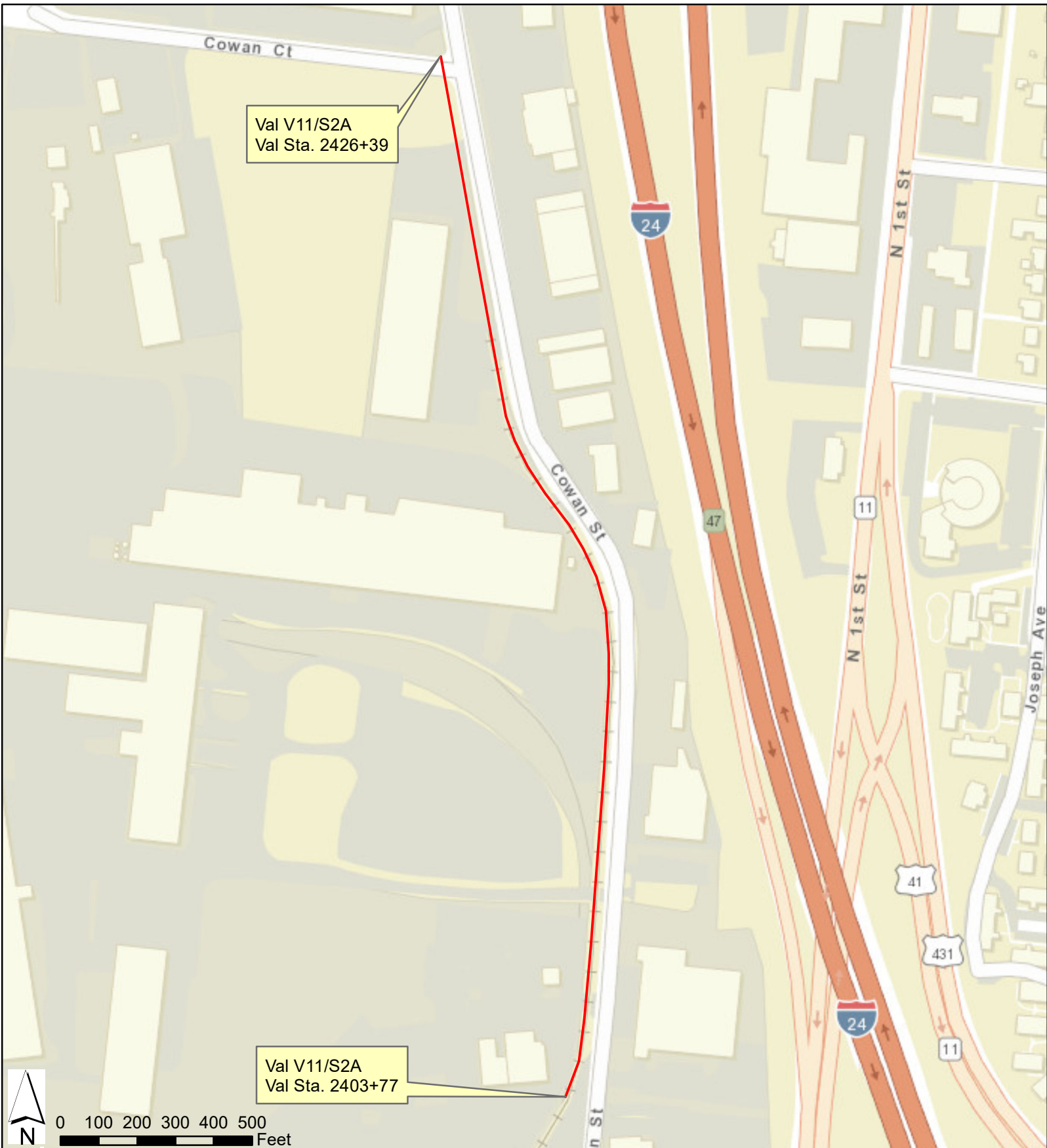
As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Diana Wood by email at diana.wood@stb.gov or by phone at 202-245-0302.

Date made available to the public: August 27, 2021.

Comment due date: September 27, 2021.

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

Attachment



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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.



Tennessee