

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

#EO-3037

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 55 (SUB-NO. 784X)

November 28, 2018

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, CSX Transportation, Inc. (CSXT) filed a verified notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance of service of approximately 2.3 miles of rail line on its Atlanta Terminal Subdivision, Atlanta Division, located between milepost SG 579.29 and milepost SG 581.61, in Cobb County, Georgia. The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) for this proceeding on November 9, 2018 for public review and comment. In the EA, OEA recommended one environmental (historic) condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

OEA received two comments during the 15-day comment period. By the attached letter dated November 8, 2018, the Cobb County Community Development Agency commented that the proposed abandonment is in compliance with the Cobb County 2040 Comprehensive Plan, which, among other things, promotes a safe and walkable environment through the development and improvement of trails, parks and other recreational resources. The County also stated that the proposed abandonment is consistent with the ongoing work program items highlighted in its 2040 Community Work Program. The County added that it believes the proposed abandonment would have no direct impact on historic or archaeological resources. In response to these comments, OEA notes that in the attached filing dated November 9, 2018, the Georgia Department of Transportation (DOT) stated that it is in the process of negotiating a trail use agreement with CSXT. As noted in the EA, such an agreement would extend the adjoining trail system. With regard to the County's comment on historic and archaeological resources, we note that, as previously stated in the EA, the Georgia Department of Natural Resources, Historic Preservation Division (State Historic Preservation Office or SHPO) commented that most railroads in the State of Georgia are eligible for listing in the National Register of Historic Places

(National Register) under Criteria A and C for transportation and engineering, including the line in this abandonment proceeding. The SHPO indicated that removing the rail line from federal control through the abandonment process constitutes an adverse effect, pursuant to 36 C.F.R. § 800.5(a)(2). Accordingly, OEA will retain the previously recommended Section 106 condition in this proceeding.

By the attached e-filing dated November 14, 2018, the U.S. Environmental Protection Agency (EPA) commented that it did not identify any significant environmental impacts associated with the proposed abandonment but noted the prior recommended Section 106 condition in the EA and requested a copy of the Board's "finding of no significant impact." Accordingly, OEA will send the Board's decision to EPA, as well as this Final EA and the Georgia DOT's November 9, 2018 filing.

Conclusion

The EA comment period has ended. Accordingly, OEA recommends that the following condition should be imposed upon any decision granting abandonment authority. The condition is:

1. 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 (OEA) regarding any consultations with the Georgia Department of Natural Resources, Historic Preservation Division (State Historic Preservation Office or 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.

OEA concludes that if the above condition is imposed, the proposed action would not significantly affect the quality of the human environment.

Attachment (3 letters)

OEA CONTACT: Diana Wood
202-245-0302
Diana.Wood@stb.gov

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**COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY**

P.O. Box 649
Marietta, GA. 30061-0649
Phone: (770) 528-2018
Fax: (770) 528-2126
jason.gaines@cobbcounty.com

*Jason S. Gaines, AICP
Planning Division Manager*

November 8, 2018

Mr. Gene Payne
CSX Transportation
500 Water Street- J 315
Jacksonville, FL 32202

Subject: STB Docket No. AB-55 (Sub-No. 784X), CSX Transportation, Inc. – Abandonment Exemption
– in Cobb County, GA

Mr. Payne,

The Cobb County Community Development Agency is in receipt of CSX Transportation, Inc.'s (CSXT), proposal and Combined Environmental and Historic Report (CEHR) for the abandonment of approximately 2.3 miles of rail line on the Atlanta Terminal Subdivision, Atlanta Division between milepost SC 579.29 near Plant Atkinson Road and milepost SG 581.61 just west of East-West Connector, in Cobb County, GA.

Per your request, the Cobb County Community Development Agency (the Agency) has reviewed STB Docket No. AB-55 (Sub-No. 784X) in relation to the Cobb County 2040 Comprehensive Plan, which includes existing and future land use polices. The Agency has determined that the abandonment of the rail line, as reference within the CEHR, is in compliance with the goals and policies of the 2040 Comprehensive Plan. These goals and policies promote an active lifestyle by fostering a safe and walkable environment by improving trail connectivity between neighborhoods, parks, and other recreational facilities. The rail abandonment is also consistent with ongoing work program items that are highlighted in the 2040 Community Work Program.

In addition, the Agency reviewed the project from a historic preservation perspective and determined that the abandonment of the rail line, as described above, appears to not have any direct impact on historic or archaeological resources.

Thank you for the opportunity to comment. If you have any questions or concerns, you may contact me at the number or address above. You may also contact via email to Jason.Gaines@cobbcounty.org

Sincerely,

Jason Gaines

Cc: Mike Boyce, Cobb County Board of Commissioners Chairman
Pam Mabry, Cobb County Clerk



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Office of Proceedings
November 9, 2018
Part of
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November 9, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Abandonment Exemption—CSX Transportation, Inc.—In Cobb County, Georgia*, STB
Docket No. AB-55 (Sub-No. 784X)

Dear Ms. Brown:

This letter is to inform the Board that I have just been engaged as counsel to the Georgia Department of Transportation (GDOT) in connection with the above-referenced matter. As CSX Transportation, Inc., (CSXT) indicated in its Notice of Exemption, filed on October 15, 2018, CSXT and GDOT are in the process of negotiating a trail use agreement.

Requests for interim trail use in this proceeding are due today (*Abandonment Exemption—CSX Transportation, Inc.—In Cobb County, Georgia*, STB Docket No. AB-55 (Sub-No. 784X) (Service Date Nov. 2, 2018)). In order to allow me to become fully acquainted with this transaction, I respectfully request that the Board grant GDOT additional time to file a request for interim trail use in this matter. Please do not hesitate to contact me with any questions.

Sincerely,



ATF

Charles A Spitulnik
Special Assistant Attorney General for the State of
Georgia – Counsel for Georgia Department of
Transportation

Cc: All parties of record

Surface Transportation Board

Incoming Correspondence Record



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E-Filing Correspondence Information		Status:	
* Required Fields		Recorded by <i>Diana Wood</i> on <i>11/14/2018</i>	
*Docket #:	AB 55 784X	Affiliation:	Federal Agency
*Name of Sender:	Christopher Militscher	Letter Type:	
Group:	USEPA Region 4	NEPA Type:	
Attention Of:	Diana Wood	In Public Docket?	☐ Yes ☒ No
*Date Received:		Phone Number:	404-562-9512
Date of Letter:		Email Address:	militscher.chris@epa.gov
Group's Address:	61 Forsyth Street, SW	Group's Zip Code:	30303-
Group's City:	Atlanta		
Group's State:	GA		

Submitter's Comments

The USEPA's NEPA Program Office has reviewed the Environmental Assessment concerning the CSX Transportation Inc. Abandonment Exemption in Cobb County, GA. The USEPA notes the condition provided with respect to the Section 106 process under the NHPA for historic properties. The USEPA did not identify any significant environmental impacts associated with the proposed action. The USEPA requests a copy of the Finding of No Significant Impact (electronic link or 1 hardcopy) upon conclusion of the Section 106 process. Thank you.

STB's Comments

Image Attachment(s)