

SERVICE DATE – JULY 1, 2022

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 808X)

**CSX Transportation, Inc. – Abandonment Exemption –
In Gwinnett County, Ga.**

BACKGROUND

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 of a line of railroad in Gwinnett County, Georgia. The rail line proposed for abandonment extends approximately 0.13-miles from milepost Val Sta. 12+37 to milepost Val Sta. 19+52 on CSXT's Atlanta Division, Abbeville Subdivision, Lawrenceville Branch (the Line). The Line is located in the City of Lawrenceville north of East Pike Street between Benson and McArthur Streets and near City Lake and Rhodes Jordan Park. 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 has been no freight traffic over the Line for two years. CSXT intends to sell the Line to the City of Lawrenceville for trail use through the Notice of Interim Trail Use (NITU) process. The right-of-way is generally 65 feet wide and the topography is flat to gently rolling. CSXT states that there are no bridges or structures on the Line. The Line traverses United States Zip Code 30046. 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, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. CSXT intends to sell the Line to the City of Lawrenceville for trail use. 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.

CSXT submitted the E&H Report to the U.S. Fish and Wildlife Service, Georgia 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. The data base revealed that the Monarch butterfly, a candidate species with no designated critical habitat, may be present in the project area. In an email dated May 16, 2022 (USFWS Consultation Code: 2022-0040584), USFWS responded that salvage-related impacts are not expected because federally listed species are not likely to occur in the project area. Accordingly, OEA has determined that the proposed abandonment would have no effect on federally listed threatened and endangered species. OEA is providing USFWS a copy of this Draft EA 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, Mobile District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA)

¹ The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "55" "808" "X" sequentially in the four boxes for "Docket Number," then selecting "Search." The E&H Report was filed on June 6, 2022.

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC) System, <http://ecos.fws.gov/ipac> (OEA confirmed on June 10, 2022).

(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.

The City of Lawrenceville commented that the proposed abandonment is consistent with the City's existing land use plans.

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 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 Georgia Department of Community Affairs, Historic Preservation 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 the proposed abandonment would not adversely affect National Register of Historic Places (National Register) historic properties located within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment. The SHPO noted that its opinion was based on desktop research and not field assessment and requests that if National Register-eligible archaeological resources are discovered during the salvage process, all work immediately cease until such resources can be evaluated. Accordingly, OEA is recommending an unanticipated discovery condition in this Draft EA.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), 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(e), 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 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 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 six 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-Quassarte Tribal Town; the Coushatta Tribe of Louisiana; the Cherokee Nation; 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.

CONDITION

OEA recommends that the following condition be imposed on any decision granting abandonment authority.⁴

1. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's abandonment-related salvage activities, CSXT Transportation, Inc. (CSXT) will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the Georgia Department of Community Affairs, Historic Preservation Commission (State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested Federally recognized tribes, CSXT, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that if the condition above is imposed by the Board, 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 U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat/> (last visited June 13, 2022).

⁴ 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.

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.⁵

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.⁶

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://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: Diana Wood, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1311. If you have any questions, please contact Diana Wood by email at Diana.Wood@stb.gov or by phone at 202-245-0302.

⁵ Board decisions are available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "808" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Date made available to the public: July 1, 2022.

Comment due date: July 18, 2022.

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

Attachment



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Abandonment Exemption
In Gwinnett 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.



Georgia