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SERVICE DATE – JULY 22, 2022

SURFACE TRANSPORTATION BOARD

DECISION

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

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN GWINNETT
COUNTY, GA.

Decided: July 22, 2022

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.13-mile rail line that run between Val Sta. 12+37 to Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, Ga. (the Line). Notice of the exemption was served and published in the Federal Register on June 24, 2022 (87 Fed. Reg. 37,903). The exemption is scheduled to become effective on July 24, 2022.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on July 1, 2022, recommending that one condition be imposed on any decision granting abandonment authority. OEA recommended that, 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 will immediately cease all work and notify 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), and 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.

Comments on the Draft EA were due by July 18, 2022, and no comments were received. In its Final Environmental Assessment (Final EA), served on July 21, 2022, OEA continues to recommend that the condition proposed in the Draft EA should be imposed. Accordingly, based on OEA's recommendation, the condition proposed in the Draft EA and the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on June 24, 2022, exempting the abandonment of the Line described above is subject to the following condition: 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 will immediately cease all work and notify OEA, interested Federally recognized tribes, and the 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.¹

3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ If an interim trail use/rail banking agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition is not required with respect to any portion of the Line covered by the interim trail use/rail banking agreement for the duration of the agreement.