

SERVICE DATE – OCTOBER 10, 2014

44037
OEA

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 736X)

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

AND

Docket No. AB 290 (Sub-No. 368X)

**Norfolk Southern Railway Company – Discontinuance of Service Exemption –
In Knoxville, Knox County, Tenn.**

BACKGROUND

In this proceeding, the CSX Transportation, Inc. (CSXT) and the Norfolk Southern Railway Company (NSR) filed a notice under 49 C.F.R. § 1152.52 for CSXT to abandon and NSR to discontinue service over a portion of rail line located in Knox County, Tennessee. Specifically, the proposed abandonment and discontinuance of service involves approximately 1.18 miles of rail line on CSXT's Second Creek Spur located on its Huntington Division, KD Subdivision, between milepost OKS 275.09 (Valuation Station 15304+87), at the end of the track, and milepost OKS 276.27 (Valuation Station 15368+89), near West Baxter Avenue in Knoxville, Knox County, Tennessee (the Line).¹

The rail line travels through the City of Knoxville and closely parallels Interstate I-275. CSXT states that the right-of-way width ranges from 10 to 90 feet from the centerline of the track and that the Line contains one bridge. The right-of-way traverses Zip Code 37921. Based on information in CSXT's possession, the Line does not contain any federally granted rights-of-way. CSXT states that the Line may be suitable for other public purposes or trail use, but may be subject to reversionary interests. If the notice becomes effective, CSXT would be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

¹ The Board granted CSXT a discontinuance of service over the Line in CSX Transportation, Inc. – Discontinuance of Service Exemption – In Knoxville, Tenn., AB-55 (Sub-No. 641X), (STB served January 2, 2004).

ENVIRONMENTAL REVIEW

CSXT submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT served the environmental 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)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CSXT states that no local traffic has moved over the line for at least two years and any overhead traffic could be rerouted over other lines. Accordingly, the proposed abandonment and discontinuance of service 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 construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to salvage the rail, ties and track material but would leave the roadbed and subgrade structures intact. CSXT does not intend to perform any activities that would cause erosion and sedimentation, and dredging or the use of fill material is not anticipated. No new roads are contemplated. Crossties and other debris would be transported away from the line and not discarded in the right-of-way. CSXT intends to take appropriate measures to prevent or control spills from fuels, lubricants or any other pollutants from entering into neighboring waterways.

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

According to CSXT, all at-grade crossings associated with the proposed abandonment and discontinuance were removed following the Board's approval of the previously referenced 2004 discontinuance of service exemption covering the same geographic area. Accordingly, OEA

² 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. 736X).

believes that these prior closures have improved public safety. No other safety issues have been identified, to date, for the area.

The City of Knoxville commented that the proposed abandonment and discontinuance of service is consistent with the alternative land use recommendations made in the 2007 I-275/North Central Street Corridor Study prepared by the Knoxville-Knox County Metropolitan Planning Commission. The City believes that the proposed abandonment and discontinuance of service, if authorized, would present opportunities to improve the street system, facilitate environmental remediation, and contribute to the potential redevelopment of brownfields. The City commented that these findings are also supported by the Metropolitan Planning Commission and Transportation Planning Organization.

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) commented that the proposed abandonment and discontinuance of service is located in an urban area, and therefore, is not subject to the Farmland Protection Policy Act. OEA has concluded that no further consultation with NRCS is necessary.

The U.S. Environmental Protection Agency (EPA), Region 4, recommended contacting the Tennessee Division of Water Pollution Control (WPC) to determine if two specific water resource permits may be required for salvage operations under the State's federally delegated clean water program. Specifically, EPA commented that a stormwater permit under Section 402 of the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) and an Aquatic Resources Alteration Permit (APAP) under Section 401 Water Quality Certification may be required. In addition, EPA commented that the U.S. Army Corps of Engineers (Corps) may require a Section 404 permit if the salvage process results in the discharge of dredged or fill material into waters of the U.S., including wetlands, and that various County land disturbance permits may be required. OEA is recommending mitigation, as detailed below, in response to EPA's comments..

WPC commented that NPDES and APAP permits may be required if the proposed action results in disturbances to soil and/or aquatic resources. Although OEA believes that such permits would not be required because CSXT has indicated that its salvage operations would not impact these resources, OEA has included a condition that would require CSXT to consult with WPC prior to initiating salvage operations to determine what, if any, permits may be required, and to comply with the reasonable requirements thereof. In addition, OEA has included a condition that would require CSXT to consult with Knox County's Engineering and Public Works, per EPA's above-mentioned request, for any land disturbance permits that may be required prior to initiating salvage, and to comply with the reasonable requirements thereof.

The Corps commented that a Section 404 permit would not be required under the Clean Water Act (33 U.S.C. § 1344) because the proposed action would not involve the discharge of dredge or fill material into waterways or wetlands of the United States. The Corps added, however, that the Line parallels Second Creek for much of its length and extends into the 100-year floodplain at a point where it crosses Bernard Avenue. The Corps believes that the

proposed abandonment presents a unique opportunity for CSXT to begin discussions with the City of Knoxville on the possible transfer of this portion of the right-of-way for future environmental restoration opportunities. Because the City of Knoxville has not commented on the Corps' comments, OEA has included the City in the service list for this proceeding so that it may receive a copy of the EA and comment accordingly.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties above and those on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies for review and comment: the National Park Service; the National Geodetic Survey; the U.S. Fish and Wildlife Service; the Tennessee Historical Commission; the Tennessee Department of Transportation; the Knox County Mayor; and the Knox County Engineering and Public Works.

HISTORIC REVIEW

CSXT served the Historic Report on the Tennessee Historical Commission (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c), as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)]. CSXT indicates that there is one CSXT-owned bridge on the Line that is 50 years or older. CSXT does not believe the bridge would be eligible for listing on the National Register of Historic Places (National Register) due to periodic maintenance that is conducted in support of safety and operational requirements. However, OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion in determining if the rail line may be potentially eligible for listing on the National Register.

Accordingly, OEA is recommending a condition that would require CSXT 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, or APE, eligible for listing or listed in the National Register 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>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American and the Tribal Directory Assessment Tool Consultation Databases to identify federally recognized tribes that may have ancestral connections to the project area.³ The databases indicate that there is one federally recognized tribe that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribe is the Eastern Band of Cherokee Indians. OEA has included this tribe in the service list for this proceeding so that it may receive a copy of the EA for review.

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited October 2, 2014) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited October 2, 2014).

CONDITIONS

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

1. The CSXT Transportation, Inc. (CSXT) shall consult with the Tennessee Division of Water Pollution Control (WPC) prior to initiating salvage operations to determine if a stormwater permit under Section 402 of the Clean Water Act Act's National Pollutant Discharge Elimination System (NPDES) and an Aquatic Resources Alteration Permit (APAP) under Section 401 Water Quality Certification may be required. CSXT shall comply with WPC's reasonable requirements.
2. CSXT shall consult with Knox County's Engineering and Public Works (EPW) prior to initiating salvage operations to determine if any land disturbance permits may be required. CSXT shall comply with EPW's reasonable requirements.
3. 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, 16 U.S.C. § 470f, has been completed. CSXT shall report back to OEA regarding any consultations with the 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 mitigation is imposed, 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 rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-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 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).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 736X) and AB 290 (Sub-No. 368X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: October 10, 2014.

Comment due date: October 27, 2014.

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

Attachment