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SEA

SERVICE DATE – JUNE 30, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-55 (Sub-No. 694X)

**CSX Transportation, Inc. – Abandonment Exemption –
in McMinn County, TN**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in McMinn County, TN. The rail line extends approximately 6.4 miles from milepost OKW 327 to milepost OKW 333.4 (the Line). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, CSXT will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

CSXT indicates that the Line was acquired and operated by the Louisville and Nashville Railroad Company around 1928. The right of way is approximately 33 feet wide, and the Line traverses several communities and small streams in a generally rural area.

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's) environmental rules [49 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's 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. 694X).

Diversion of Traffic

CSXT believes that the proposed abandonment would have minimal effect on regional or local transportation systems and patterns. According to CSXT, no traffic has moved over the Line since the Line was embargoed on June 27, 2008 due to track conditions. CSXT indicates that there were three shippers on the Line before the embargo. Current traffic has already been diverted to truck and has been minimal.

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.

The Mayor of the Town of Englewood (Town) stated that the proposed abandonment would have no environmental impact. However, the Town expressed concern about the poor condition of road crossings at Carroll Street, Sunset Street and Zion Hill Rd. and the maintenance of additional property owned by CSXT along the Line. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring CSXT to consult with the Town to address its concerns about the upkeep and maintenance of road crossings and property along the Line.

The Natural Resources Conservation Service submitted comments stating that the proposed abandonment would not result in the conversion of Prime Farmland as defined in the Farmland Protection Policy Act.

The U.S. Fish and Wildlife Service stated that no significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from the proposed abandonment.

The U.S. Army Corps of Engineers reviewed the proposed abandonment and stated that it does not appear that the proposed abandonment would impact waters of the U.S., including wetlands, with deposition of fill or dredged material. Therefore, a permit would not be required.

The National Geodetic Survey (NGS) stated that four geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we recommend that a condition be imposed requiring CSXT to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Environmental Protection Agency's Region 4 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to USEPA and the Town for their review and comment.

HISTORIC REVIEW

CSXT submitted an historic report to the Tennessee Historical Commission (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating there are no National Register of Historical Places (National Register) listed or eligible properties affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Eastern Band of Cherokee Indians of North Carolina may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to the Eastern Band of Cherokee Indians for its review and comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, CSX Transportation, Inc. shall consult with the Mayor of the Town of Englewood regarding maintenance of road crossings and property along the rail line.
2. CSX Transportation, Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are 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 four-part showing for imposition of a public use condition (49 CFR 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 the class 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 right-of-way as trails (49 CFR 1152.29).

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

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 Danielle Gosselin, the environmental contact for this case. 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. 694X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions

regarding this environmental assessment, please contact Danielle Gosselin by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: June 30, 2009.

Comment due date: July 17, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment