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SEA

SERVICE DATE – DECEMBER 24, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 210X)

Norfolk Southern Railway Company – Abandonment Exemption – in Fulton County, GA

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NSR or railroad) filed a notice of exemption under 49 CFR 1152.20 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a line of railroad in Fulton County, Georgia (GA). The rail line proposed for abandonment extends approximately 4.3 miles between Milepost DF 633.10 and Milepost DF 637.40 (the Line). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, NSR would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line is located in an urbanized area of northeast Atlanta and is known as the Decatur Street Belt. Track materials between approximately Mileposts DF 636.60 and DF 637.40 were removed in the 1980s. NSR proposes no additional salvage activities along this segment. Elsewhere on the Line, sections of track have also been removed and much of the right-of-way along the Line is now covered by dense vegetation.

The right-of-way is generally 200 to 400 feet wide but narrows to 68 feet wide along one short segment. According to the railroad, there are four bridges on the Line that are 50 years of age or older. The bridges include:

- 130-foot timber trestle over Clear Creek at Milepost DF 633.10, constructed in 1925;
- 39.3-foot open-deck-plate bridge over Clear Creek at Milepost DF 633.30, constructed in 1928;
- 91.5-foot open-through-plate bridge over Ponce de Leon Avenue at Milepost DF 634.90, constructed in 1906; and
- 161-foot open-deck-plate bridge over Ralph McGill Boulevard at Milepost DF 635.40, constructed in 1926.

The Line was originally constructed in the late 1800s. The railroad stated that no local or overhead traffic has moved on the Line for over eight years. Accordingly, the proposed abandonment would not result in the diversion of rail traffic to other modes. NSR is not aware

of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way.

ENVIRONMENTAL REVIEW

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

Diversion of Traffic

Because there is no rail traffic on the Line, 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

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. For the proposed abandonment, the railroad has not specified the nature of salvage activities for any remaining track materials, or the fate of existing bridges and structures. NSR states that it does not plan to remove or alter the underlying roadbed or to conduct any in-stream or dredging activities.

The City of Atlanta, Department of Planning and Community Development stated that the abandonment is consistent with existing land use plans. The City proposes to use the right-of-way of the Line as part of a larger, public transit, recreational trail and green-space corridor referred to as the "Atlanta Beltline Project." The Atlanta Regional Commission also expressed support for the abandonment.

The Natural Resources Conservation Service (NRCS) stated that there is no prime or important statewide farmland in the area of the proposed abandonment.

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-290 (Sub-No. 210X).

The U.S. Fish and Wildlife Service noted that the proposed abandonment would not be expected to significantly affect fish and wildlife resources under its jurisdiction.

The U.S. Army Corps of Engineers - Savannah District (USACOE) stated that it does not appear that the proposed abandonment would result in the placement of fill in any waters of the U.S. including wetlands. Therefore, a permit would not be required under Section 404 of the Clean Water Act (33 U.S.C. 1344) if all salvaging activities are limited to upland areas (USACOE Reference Number 200800447).

The National Geodetic Survey (NGS) has advised SEA that seven geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires NSR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

HISTORIC REVIEW

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Georgia Department of Natural Resources, Historic Preservation Division (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In a September 3, 2008 reply, the SHPO stated that it does not agree with the railroad's conclusion that the Line is not eligible for the National Register of Historic Places (NRHP) (SHPO Reference Number HP-080804-007). The SHPO previously determined that the entire 22-mile Atlanta Beltline rail corridor (which encompasses all or portions of the Line), including associated historic bridges and structures, is eligible for the NRHP. The SHPO requested that the railroad provide more information on the proposed abandonment, including any physical alterations that could occur. A railroad spokesperson informed SEA on December 15, 2008 that the SHPO had not been provided any additional information in response to its letter.

Accordingly, we are recommending a condition that requires the railroad 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 (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places 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>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified the following one tribe as having connections to Fulton County: Eastern Band of Cherokee Indians of North Carolina. A copy of this EA has been provided to the tribe for review and comment.

CONDITIONS

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Norfolk Southern Railway Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Norfolk Southern Railway Company 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. Norfolk Southern Railway Company shall report to the Board's Section of Environmental Analysis (SEA) regarding any consultations with Georgia Department of Natural Resources, Historic Preservation Division (the State Historic Preservation Office or SHPO) and the public. Norfolk Southern Railway Company 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, SEA concludes that, as currently proposed, and if the recommended conditions were imposed, 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 and no salvage activities), 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 the time specified in the Federal Register notice. 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Dave Navecky, 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 STB Docket No. AB-290 (Sub-No. 210X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Dave Navecky, the environmental contact for this case, by phone at 202-245-0294, fax at 202-245-0454, or e-mail at naveckyd@stb.dot.gov.

Date made available to the public: December 24, 2008.

Comment due date: January 8, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment