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OEA

SERVICE DATE – NOVEMBER 30, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 703X)

**CSX Transportation, Inc. - Abandonment Exemption –
in Chesterfield and Darlington Counties, S.C.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSX), filed a petition for exemption with the Surface Transportation Board (Board) under 49 C.F.R. § 10502 for exemption from the provisions of 49 U.S.C. §§ 10903 and 10904 to abandon a 2.71 mile line of railroad on its Southern Region, Florence Division, Hamlet Subdivision. The rail line proposed for abandonment extends between milepost SJ 304.75 at Tabernacle Road and milepost SJ 307.46 at Bobo Newsome Highway, Chesterfield and Darlington Counties, S.C. (Line). The Line traverses U.S. Postal Zip Codes 29101 and 29550 and includes stations at Darlco (milepost SJ 306), and Robinson (milepost SJ 307). The Line does not contain any federally granted rights-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

If the Board should approve this proposed abandonment, CSX intends to reclassify the Line as spur track and sell or lease it to Progress Energy Carolinas, Inc. (PEC), the sole shipper on the Line. According to CSX, PEC has decided that it no longer needs CSX to provide common carrier service to its facility. Additionally, if the Board approves this proposed abandonment, no salvage operations would occur and therefore no adverse environmental impacts would result from salvage operations. PEC has submitted a letter indicating that it supports the proposed abandonment as long as CSX sells or leases the Line back to PEC. If PEC does not acquire the Line, CSX would then move forward with salvage operations.

ENVIRONMENTAL REVIEW

CSX submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSX served the Environmental Report on a number of appropriate federal, state, and local agencies as required

by the Board's environmental rules (49 C.F.R. § 1105.7(b)).¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CSX, if the abandonment is approved, the Line would not be salvaged but would be reclassified as spur track and either sold or leased to the Line's sole shipper, PEC. CSX states that there is no passenger traffic on the Line. CSX also states that since freight rail traffic would continue (if the Line were sold or leased to PEC), there would be no effect on existing regional or local transportation systems or patterns.

In a letter dated October 6, 2010, the South Carolina Department of Transportation states that the proposed abandonment would result in no environmental impact.

Salvage Activities

If the Board approves the proposed abandonment and the Line is sold or leased to PEC, no salvage would occur. PEC has submitted a letter indicating that it supports the proposed abandonment, providing CSX sells or leases the Line back to PEC. However, if PEC were not able to acquire the Line, CSX would then salvage the infrastructure.

CSX states that the Line may be suitable for other public uses, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

In an email dated August 31, 2010, the Darlington County Planning Department states that the 'downgrade....appears consistent with the Darlington County's Future Land Use Plan. The subject area has been designated Industrial and Progress Energy's continuing use of this section of the rail is consistent with the County's Land Use Plan.'

In a letter dated August 31, 2010, the City of Hartsville, S.C. states that the Line is completely outside the city limits. The City also notes that it supports the proposed use of the spur by PEC.

In a letter dated September 8, 2010, the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), Chesterfield Service Center states that no soils classified as Prime Agricultural Land are found on that portion located in Chesterfield County.

¹ 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. 703X).

However, OEA notes that the NRCS, Darlington Service Center, has not yet completed its review.²

CSX states that should PEC not take possession of the Line, salvage would not have any adverse impact on Prime Agricultural Land.

In a letter dated August 23, 2010, the South Carolina Department of Health and Environmental Control, Ocean and Coastal Resource Management Office states that the proposed project is located outside the South Carolina Coastal Zone and therefore a Coastal Zone Consistency determination is not required.

According to CSX, it has no records that indicate any known hazardous material spills or hazardous waste sites that may have occurred or are located along the Line.

In a letter dated September 22, 2010, the South Carolina Department of Health and Environmental Control, Office of Environmental Quality states that it has no comments on the proposed abandonment/reclassification of the Line.

According to CSX, because it intends to sell or lease the Line back to PEC for continued rail service, no salvage would occur and therefore no federally endangered or threatened species would be negatively affected or critical habitats modified. Furthermore, CSX states that the Line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

Despite the fact that CSX is not anticipating any salvage activities, CSX has included a description of how salvage would occur, should PEC decide not to use the Line for future rail operations. According to CSX, it would conduct salvage activities as follows:

Upon receiving abandonment authority, removal of material would be accomplished by use of the right-of-way for access, along with exiting public and private crossings, and no new access roads would be contemplated. CSX would not disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does it would not anticipate any dredging or use of fill in the removal of any track materials. All crossties and/or other debris would be transported from the Line and would not be discarded along the right-of-way or placed or left in streams or wetlands, or along the banks of such waterways. CSX would also ensure that all appropriate measures would be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

² OEA confirmed via telephone on November 15, 2010.

CSX states that it believes that the proposed abandonment would be consistent with all water quality standards and that no permits under Sections 402 or 404 of the Clean Water Act would be required since no salvage would take place.

In an email dated November 17, 2010, the National Geodetic Survey (NGS) identified 1 geodetic station marker that may be disturbed by the proposed abandonment. Accordingly, OEA will recommend a condition to the Board requiring CSX to consult with the NGS and to notify NGS at least 90 days prior to beginning salvage activities that may disturb or destroy the single geodetic station marker.

Because the Line would not be salvaged if it is sold or leased to PEC, OEA believes that adverse impacts to air and noise would not be experienced as a result of the proposed abandonment. However, in the unlikely event that the Line is not leased or sold to PEC, OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities 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 should salvage occur that such activities 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 EA to the NRCS, Darlington Service Center, for review and comment.

HISTORIC REVIEW

In its Historic Report, CSX states that right-of-way is approximately 50 feet wide from the centerline and traverses through a rural area. CSX also states that there are no bridges or structures that are 50 years old or older located on the Line. CSX also states that it is unaware of any archeological resources or any other previously unknown historic properties within the proposed project area.

According to CSX, the Line was constructed by the South Carolina Western Railway (SCWR) in 1911. The Seaboard Air Line Railroad Company (SAL) was formed in 1915 and acquired the SCWR in 1915.

On July 1, 1967, the Atlantic Coast Line Railroad Company merged with the SAL to form the Seaboard Coast Line Railroad Company (SCLRC). On December 29, 1982, the Louisville and Nashville Railroad Company merged into the SCLRC and the name of the surviving corporation changed to Seaboard System Railroad, Inc. On July 1, 1986, Seaboard System Railroad, Inc. changed its name to CSX Transportation, Inc.

CSX served the Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the South Carolina State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO in

a letter dated October 13, 2010, states that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have 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(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 through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that there are no federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

CONDITIONS

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

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 the single geodetic station marker.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, that 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

³ Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited November 16, 2010).

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.

CSX states that the Line may be suitable for other public uses, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

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 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 55 (Sub-No. 703X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: November 30, 2010.

Comment due date: December 30, 2010.

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

Attachment