

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-1096X

**Georgia Department of Transportation — Abandonment Exemption —
in Fulton County, Ga.**

BACKGROUND

On March 20, 2012, the Georgia Department of Transportation (GDOT) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a 3.12-mile line of railroad between milepost 469.15 and milepost 472.27 once called the L&N BeltLine and now known as the West End Property in Atlanta, Fulton County, GA.¹ A map depicting the West End Property in relationship to the area served is attached to this Environmental Assessment (EA).

GDOT states that, following abandonment, the West End Property would be used in the development of the Atlanta BeltLine, an economic development project that would combine transit, green space, trails, and new commercial, residential, and public space development along a 22-mile ring of historic rail segments² encircling central Atlanta. Included in GDOT's petition are relevant sections of the Atlanta BeltLine Tier 1 Draft Environmental Impact Statement (DEIS), completed in June 2011. This DEIS, prepared by the Metropolitan Atlanta Rapid Transit Authority (MARTA) and the Federal Transit Administration, assessed the anticipated

¹GDOT submitted its petition on March 15, 2012. However, GDOT acquired the line in December 2001 but did not seek the requisite regulatory authority for this acquisition until February 2012. See Ga. Dep't of Transp.—Acquis. Exemption—CSX Transp., Inc., FD 35591 (STB served Feb. 27, 2012). The acquisition exemption sought by GDOT in Docket No. FD 35591 became effective on March 18, 2012, three days after GDOT submitted its petition for abandonment in this proceeding. Thus, on March 28, 2012, GDOT submitted a letter asking the Board to deem GDOT's petition for abandonment exemption to have been filed on March 20, 2012. By decision served April 9, 2012, the Board found GDOT's petition to have been filed on March 20, 2012.

²The Atlanta Beltline Projects study area is defined as ¼-mile on each side of the 5 existing or former railroad corridors: 1) the Decatur Belt, 2) the Atlanta and West Point Railroad BeltLine, 3) the Louisville and Nashville Railroad (L&N) BeltLine, 4) the CSX Corridor, and 5) the Norfolk Southern Corridor. Together, these railroad corridors form a circuit that intersects existing Metropolitan Atlanta Rapid Transit Authority (MARTA) rail corridors.

impacts of the Atlanta BeltLine project. The proposed abandonment of the West End Property would contribute one segment in the southwest zone of the Atlanta BeltLine project. GDOT has no plans to salvage any rail or other railroad equipment should the Board approve this abandonment. Rather, the West End Property would be redeveloped for transit and recreational uses consistent with the plans of the Atlanta BeltLine project. GDOT states that any impacts noted in the DEIS would only occur following consummation of the proposed abandonment.

GDOT states that there has been no rail service nor any demand for rail service on the West End Property for at least the past ten years. According to GDOT, tracks in this corridor were removed many years ago, prior to GDOT's acquisition of the West End Property from CSX Transportation in December 2001.³ No freight traffic would be diverted to other modes if the abandonment were to be approved.

According to GDOT, the only alternative to abandonment is not to abandon rail freight operations which it finds neither satisfactory nor realistic since demand for freight rail service has long ceased. Moreover, GDOT notes that all rail facilities within the corridor are deteriorated and, if approved, no salvage any rail or other equipment would occur. If the West End Property is abandoned, it would be redeveloped as discussed earlier.

GDOT has requested expedited consideration of its proposed abandonment. Because of facts specific to this proposed abandonment, the Board has implemented an expedited schedule here. Please note that the comment period on this EA is 18 days rather than the customary 30 days.

DESCRIPTION OF THE RAIL LINE

The topography surrounding the West End Property is generally rolling and is located in a heavily urban area of the City of Atlanta. The width of the right-of-way varies from between 50 feet to 200 feet in width and traverses United States Postal Service Zip Codes 30310 and 30314.

The West End Property does not contain any structures that are 50 years old or older. Although OEA notes that DEIS identifies several National Register Historic Districts, structures, potentially eligible National Register eligible districts and structures as well as 4 potential archaeological sites nearby, or just outside of the West End Property's right-of-way.

GDOT states that Line does not contain federally granted rights-of-way and notes that the West End Property is suitable for alternative public use, specifically development of the Atlanta BeltLine's transit and recreational trail corridor as discussed earlier.

³ OEA received clarification from GDOT via telephone on April 17, 2012.

ENVIRONMENTAL REVIEW

GDOT submitted an Environmental Report that concludes that 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. GDOT 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)).⁴ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

As noted above, the West End Property has been out of service since at least December 2001. Consequently, no rail-to-truck diversions would occur. Therefore, OEA believes that there would be no impact on existing regional or local transportation systems or patterns. Furthermore, because no rail traffic has moved over the West End Property since at least 2001, there would be no effect on the movement and/or recovery of energy resources, recyclable commodities or change in overall energy efficiency.

Salvage Activities

GDOT states that no salvage would occur because the rail and ties were removed many years ago prior to its acquisition from CSX Transportation. GDOT has no information regarding when said salvage occurred.

According to GDOT, the proposed abandonment is consistent with local land use plans. GDOT opines that the Atlanta BeltLine Overlay District was specifically adopted to support development of the proposed Atlanta BeltLine project. The Atlanta Regional Commission states that the proposed project is consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

Due to the location of the West End Property within central Atlanta, GDOT believes that the proposed abandonment would not impact any prime agricultural land.

The GA Department of Natural Resources, Federal Consistency Coordinator & Coastal Resource Specialist states that Atlanta, GA, is not located within the State's coastal zone and a federal consistency determination is not required.

⁴ 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 1096X.

GDOT states that the West End Property would have no impact on applicable Federal, State, or local water quality standards because any impacts of the proposed abandonment have already been experienced with cessation of service and salvage more than 10 years ago. Furthermore, the DEIS indicates that no surface waters, wetlands, groundwater recharge areas or sole source aquifers are located in the area of the proposed abandonment. As a result, GDOT believes that no permits under sections 402 or 404 of the Clean Water Act would be required.

The DEIS disclosed 17 sites of concern for hazardous materials within a 300 foot study area around the Atlanta BeltLine project area. This area encompasses the West End Property. GDOT states that a more detailed analysis of any mitigation required for future development of the West End Property would be addressed in the Tier 2 environmental impact statement.

Specifically, the DEIS notes that the southwest quadrant, which includes the West End Property, has a high occurrence of reported spills, underground storage tanks, and sites that have generated hazardous waste. Therefore, OEA will recommend a condition requiring GDOT to consult with the Georgia Environmental Protection Division prior to consummating abandonment of the West End Property.

In its Environmental Report, GDOT states that the following 2 state protected species are found within 2.5 miles of the proposed abandonment: Bachman's Sparrow (*Aimophila aestivalis*) and the Pink Lady'slipper (*Cypripedium acaule*). Based on current data, observations, and information set forth in the DEIS, the Atlanta BeltLine project is not expected to affect any protected species or to affect species or habitat protected by the Migratory Bird Treaty Act. GDOT also notes that no National or State parks and no wildlife sanctuaries or refuges would be affected by the proposed abandonment. OEA notes that the West End Property is located adjacent to the following city parks:

- Rose Circle Park
- Atwood Street Park
- Gordon White Park
- Washington Park

Because the proposed abandonment would not result in any diversion of traffic or salvage activities, the abandonment of the West End Property should result in no potential impact to these parks.

In an email dated February 28, 2012, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are approximately 17 geodetic survey markers located in the area of the proposed abandonment. OEA will recommend that GDOT consult with the NGS to allow for relocation of any affected survey markers.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that the proposed abandonment would cause significant environmental impacts.

HISTORIC REVIEW

In its Historic Report, GDOT states that the right-of-way varies from approximately 50 feet to 200 feet in width. The Line is located in a heavily developed urban area with a rolling topography within the City of Atlanta, GA.

GDOT states that it has no information regarding the age of any existing structures. Nonetheless, if the Board were to approve the proposed abandonment, GDOT would not undertake any salvage activities.

As noted earlier, the West End Property does not contain any structures that are 50 years old or older. However, OEA notes that the DEIS identifies several historic districts and structures listed on the National Register and several National Register-eligible districts and structures located near the West End Property's right-of-way. In addition, 4 potential archaeological sites are just outside of the West End Property's right-of-way. According to the DEIS, the majority of the archaeological sites are associated with the Civil War or immediately precede it and include Civil War sites associated with Confederate defensive positions. The DEIS also notes the presence of an Antebellum home constructed in 1857 near the proposed site of the proposed abandonment.

GDOT references the DEIS for the following historical context. All earthworks associated with the Confederate defense of Atlanta once encircled the entire city and were constructed between 1863 and 1864. In the area of the West End station, a spur of these earthworks was constructed extending southwest of Battery G and Battery D of the initial city defenses. The purpose of these earthworks was to prevent a potential flanking movement by George H. Thomas' Army of the Cumberland during late July 1864.

The L&N, chartered in Kentucky on March 5, 1850, was one of the South's early railroads and one of only a handful to grow into a major railroad system without a name change.⁵

When the Civil War began in 1861, the L&N consisted of 269 miles of track and served both the Union and Confederacy. It survived the Civil War in good financial condition and within 30 years, extended its reach into St. Louis, Cincinnati, Birmingham and Mobile, Pensacola, and New Orleans. In the early 1900's, L&N expanded deep into the coal fields of Hazard and Harlan Counties, Kentucky, building more than 150 miles of rail line to give it access to the landlocked bituminous coal of eastern Kentucky.

⁵ OEA relied on 2 sources to compile a history of the L&N: 1) <http://railga.com/ln.html>
2) <http://www.lnrr.org/>.

In 1902, the Atlantic Coast Line gained control of the L&N by purchasing the L&N stock controlled by financier J.P. Morgan. Later that year, L&N acquired the Atlanta, Knoxville and Northern Railway, giving L&N ownership of the rail route between Marietta, Georgia and Etowah, Tennessee, known as the “Hook and Eye Line.” The “Hook” was a tight double reverse curve at Tate Mountain, Georgia and the “Eye” was an 8,000 foot loop climbing Bald Mountain, Tennessee, encircling it almost twice before crossing back over itself and turning south towards Georgia. L&N constructed a line in 1905 between Cartersville, Georgia, and Etowah, Tennessee, to bypass the Hook and Eye.

In 1967, L&N’s parent, Atlantic Coast Line merged with Seaboard Air Line Railroad to form the Seaboard Coast Line Railroad. In 1986, the family of railroads merged to form CSX Transportation.

GDOT 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 Georgia Department of Natural Resources, Historic Preservation Division (SHPO) pursuant to 49 C.F.R. § 1105.8(c).⁶ The SHPO, in a letter dated April 17, 2012, states that the entire Atlanta BeltLine project, including the Line proposed abandonment, is eligible for inclusion in the National Register of Historic Places (NRHP) under Criteria A and C for its significant association with the developmental history of Atlanta and for its significance in the area of railroad engineering and construction. The SHPO concludes that the proposed abandonment, however, would have no effect to historic properties located within its area of potential effect, as defined by 36 C.F.R § Part 800.4(d)(1).

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.⁷ The database indicated that the Eastern Band of Cherokee Indians of North Carolina may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

⁶ Guidance regarding the Board’s historic preservation review process is available on the Board’s Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

⁷ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited April 16, 2012).

Accordingly, OEA is sending a copy of this EA to the Eastern Band of Cherokee Indians of North Carolina for review and comment.

CONDITIONS

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

- 1. The Georgia Department of Transportation shall consult with the National Geodetic Survey at least 90 days prior to initiating any activities that would disturb or destroy any geodetic station markers.**
- 2. The Georgia Department of Transportation shall consult with the Georgia Environmental Protection Division regarding hazardous material spills, contamination sites and underground storage tanks prior to consummation of the abandonment.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, that abandonment of the West End Property 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

GDOT has petitioned the Board to exempt this abandonment from the procedures governing Offers of Financial Assistance and Public Use Conditions. Should the Board deny GDOT's petition, the right-of-way may be found suitable for other public use. In that case, 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 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 1096X 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: April 20, 2012.

Comment due date (18 days): May 7, 2012.

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

Attachment