



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 533-4884 FAX

234447

June 14, 2013

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 17, 2013
Part of
Public Record

RE: Docket No AB-290 (Sub-No. 339X), Norfolk Southern Railway Company -
Abandonment – in Gaston County, North Carolina

Dear Ms. Rutson:

On June 14, 2013 Norfolk Southern Railway Company (“NSR”) sent the attached Environmental and Historic Report (“E&HR”) to the relevant “consulting agencies” in anticipation of NSR’s filing of an Abandonment Notice of Exemption pursuant to 49 CFR Part 1152, Subpart F.¹ As indicated in the E&HR, NSR intends to abandon approximately 0.50 miles of rail line between railroad mileposts HG 37.50 and HG 38.00 in Gaston County, North Carolina. The Line traverses United States Postal Zip Code territory 28052.

Enclosed for your records is a copy of the E&HR describing the proposed action and its environmental and historic effects (if any), as well as a map of the affected area. The packet, also, includes responses from consulting agencies to our initial consultation inquiries.

We have requested that the consulting agencies respond to your office and to NSR if any information in the E&HR appears to be misleading or incorrect, if pertinent information appears to be missing, or if they have questions about the Board’s environmental review process.

If you have any questions concerning this proposed abandonment and/or the attached E&HR, please contact LaWada Poarch at (757) 629-2803.

Sincerely,

Marcellus C. Kirchner

CY – Robert Wimbish
Maquiling Parkerson

Enclosures

¹ Enclosed is a list of the consulting agencies to which the E&HR has been sent.

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 339X) was mailed via first class mail on June 14, 2013 to the following parties:

NC Dept. of Environment and Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Fish and Wildlife Service
Region 4
P.O. Box 33683
Raleigh, NC 27636

U.S. Army Corps of Engineers
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Joe Carpenter
Crowders Mountain Township
414 Pinnacle Road
Kings Mountain, NC 28086

Jan Winters, County Manager
P.O. Box 1578
Gastonia, NC 28053

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, NC 27699

Dr. Jeffrey Crow
North Carolina Office of Archives and History
4610 Mail Service Center
Raleigh, NC 27699

Don Barger, Regional Director
National Park Service
Southeast Region
706 Walnut Street, Suite 200
Knoxville, TN 37902

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460



Marcellus C. Kirchner

June 14, 2013



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

June 14, 2013

RE: STB Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company -
Abandonment – in Crowders, Gaston County, North Carolina.

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

Enclosed is a combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at Lawada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 339X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT
BETWEEN
MILEPOST HG 37.50 AND MILEPOST HG 38.00
IN CROWDERS, GASTON COUNTY, NORTH CAROLINA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowdors, Gaston County, North Carolina.

June 14, 2013

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon one half mile of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowders, Gaston County, North Carolina.

This abandonment is being undertaken to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of that state highway. The line has been out of service since the first quarter 2012. A single, low-volume freight customer was previously served on the line.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and

state laws and regulations. The railroad expects to arrange for removal of the bridges on the line.

The alternative to abandonment is to not abandon the line and to retain the track in place. This alternative is not satisfactory and would thwart the highway widening project described above. Revenues from the very limited rail traffic of the one customer on the line are insufficient to cover the cost of rehabilitation and restoration of operations.

A map depicting the line proposed for abandonment is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. The line proposed for abandonment is currently out of service. NSR handled only one carload of freight over the line in each of calendar years 2010 and 2011.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from Gastonia Township and Gaston County. These municipalities also were asked to comment on the consistency of the proposed abandonment with existing land use plans. On July 31, 2012, the Gaston County Assistant County Manager wrote to express opposition to the proposed abandonment, but the County Manager later rescinded his opposition by way of a letter dated April 18, 2013, which states support for the abandonment. Copies of both letters are attached as part of **Appendix C**. NSR has not received a response from Gastonia Township.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of its response indicating an absence of prime farmland in the project area is attached as part of **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the North Carolina Department of Environment and Natural Resources, Division of Coastal Management. A copy of its response indicating a lack of effect on any coastal use or coastal resource is attached as part of **Appendix C**.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The railroad may not have fee title to the entire right-of-way underlying the line proposed for abandonment, and so NSR may not have a contiguous corridor available for re-deployment for possible alternative public use(s). This abandonment is being undertaken to permit removal of a railroad bridge over Robinson

Road/SR 2416 to facilitate widening of that state highway. For this reason, the abandonment will facilitate delivery of a public project that will benefit local highway users.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment, as recent traffic levels moving over the line have been negligible. The commodity carried on the line when it was last in operation was fuel oil.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. Recent traffic levels moving over the line have been negligible (one car per year each in the past two calendar years), and the line did not carry recyclable commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency given the negligible levels of traffic that previously moved over the line.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4). Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. For the record,

however, Gaston County North Carolina is in attainment for all National Ambient Air

Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection

Agency, with the exception of 1-hr. ozone, 8-hr. ozone and particulate matter.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
(ii) An increase to a noise level of 65 decibels Ldn or greater.
If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

RESPONSE: Abandonment of the subject rail line segment will facilitate widening of Robinson Road/SR 2416, which will result in safer local road conditions.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: The railroad understands that no federally listed endangered species or their habitats will be adversely affected. The railroad has requested input

from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. In response, USFWS has indicated that no federally-listed endangered or threatened species or their habitats occur in the project area. The response of USFWS is attached as part of **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The line segment proposed for abandonment does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollution Discharge Elimination System permits will be required. As is discussed in the Historic Report that follows, the line proposed for abandonment crosses one watercourse, which is spanned by a bridge (there are a total of two railroad bridges along the line). The watercourse is listed at Appendix D. There are no plans, however, to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in any water quality impacts.

Consultation has been requested from the North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDENR) and from the United States Environmental Protection Agency. NCDENR's response is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers by letter dated May 29, 2012. NSR has not received a response to date.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollution Discharge Elimination System permits will be required. The railroad anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the US Environmental Protection Agency (USEPA) and the North Carolina Department of Environment and Natural Resources (NCDENR). USEPA has

advised that it cannot definitively determine whether a Clean Water Act Section 402 permit is required. A copy of USEPA's response is attached as part of **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon one half mile of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Crowders, Gaston County, North Carolina. This abandonment is being undertaken to permit removal of a railroad bridge over Robinson Road/SR 2416 to facilitate widening of that state highway. The line has been out of service since the first quarter 2012. A single low-volume freight customer was previously served on the line segment.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations. The railroad will arrange for removal of the bridges on the line.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory and would thwart the highway widening project ~~described above. Revenues from the very limited rail traffic of the one customer on the~~

line are insufficient to cover the cost of rehabilitation and restoration of operations.

A map depicting the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** – Maps were furnished to the North Carolina Office of Archives and History.

(2) **Written Description of Right of Way** – The right-of-way width ranges from 40 feet to 70 feet along the main track centerline of the HG line. The line passes through suburban residential areas. Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE).

(3) **Photographs** – There are two structures along the line that warrant discussion in this Historic Report, each of them a bridge. Photographs of the two bridge structures were furnished to the Norfolk Carolina Office of Archives and History. The bridge over Crowders Creek at Milepost HG 37.92 is largely obscured by dense foliage, as is reflected in the supplied photographs.

(4) **Date of Construction of Structures** – There are, as mentioned immediately above, two structures along the line that are 50 years old or older. Each of these two structures is a bridge. The construction dates are as follows: (1) the bridge at Milepost HG-37.92 was built in 1930; (2) the bridge at Milepost HG-37.95 was built in 1950. Neither bridge is original to the line. No changes have been made to the bridges other than periodic normal maintenance to replace worn components. For more details, see the bridge list at **Appendix D**.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of one-half mile of rail line

between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

The rail line segment to be abandoned was originally part of the Kings Mountain Railroad (KMR) which began operations in 1855. The line has been operated by a number of successor railroads (predecessors to today's NSR), such as the Chester and Lenoir Narrow Gauge Railway Company (1874-1886), and the Richmond and Danville Railroad Company (1886-1897). The Richmond & Danville was reorganized as the Southern Railway Company (Southern) in 1894. In 1897, The Chester & Lenoir became the Carolina and Northwestern Railway, which was fully absorbed into Southern around 1940. In 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for

Documenting a Structure That Is Found To Be Historic – While plans may be available for the two structures on the line, it is most likely that any such plans are standard plans for the construction of similar structures on the dates of construction.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic

Places – There are two structures on the line (i.e., within the APE for this undertaking).

NSR believes that neither of the structures on the line nor the line itself meets the criteria for listing in the *National Register of Historic Places*. The two structures along the line are bridges that are short in length and of ordinary design and construction.

Neither bridge is original to the line. NSR believes that there is nothing distinguishing these bridges from others in the region or on the NSR system generally. In addition,

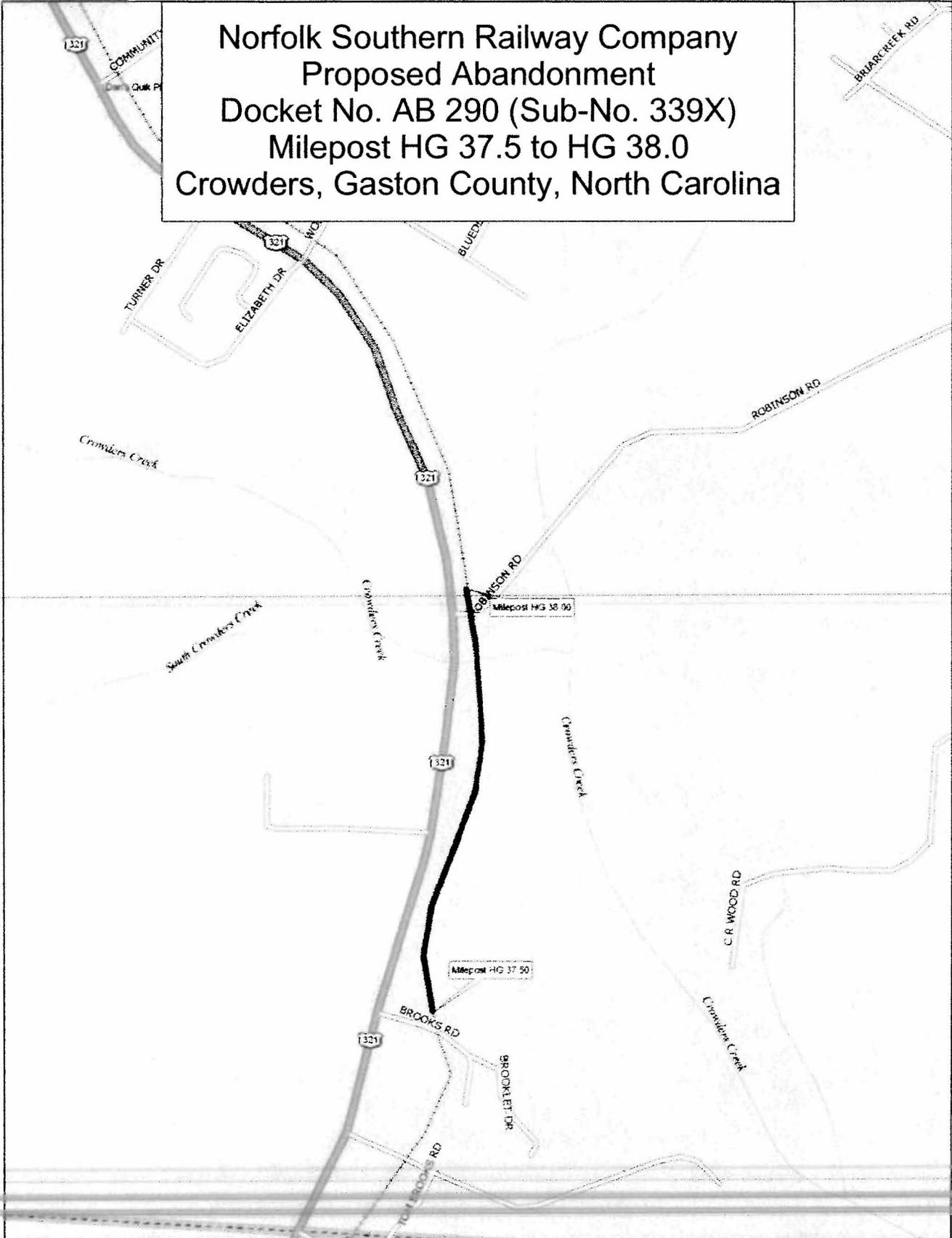
NSR has no reason to believe that there are archaeological resources or historic

~~properties on or immediately adjacent to the line.~~

APPENDIX A

Site Map

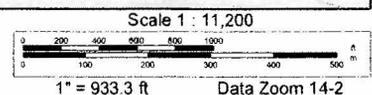
Norfolk Southern Railway Company
 Proposed Abandonment
 Docket No. AB 290 (Sub-No. 339X)
 Milepost HG 37.5 to HG 38.0
 Crowders, Gaston County, North Carolina



Data use subject to license.

© DeLorme, DeLorme Street Atlas USA® 2011.

www.delorme.com



RECIPIENT LIST

Proposed Rail Line Abandonment is 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

North Carolina Department of Environment and
Natural Resources
217 West Jones Street
Raleigh, NC 27699

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303 – 8960

Braxton Davis
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

J. B. Martin, State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd., Suite 117
Raleigh, NC 27609

Gary Jordan
U.S. Fish and Wildlife Services
Region 4
P.O. Box 33683
Raleigh, NC 27636

USACE
Regulatory Division
69 Darlington Avenue
Wilmington, NC 23403

Joe Carpenter
Crowders Mountain Township
414 Pinnacle Road
Kings Mountain, NC 28086

Jan Winters, County Manager
P.O. Box 1578
Gastonia, NC 28053

State Environmental Review Clearinghouse
1301 Mail Service Center
Raleigh, North Carolina 27699

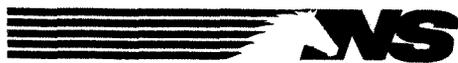
Dr. Jeffrey Crow
Office of Archives and History
4610 Mail Service Center
Raleigh, NC 27699

Don Barger, Regional Director
National Park Service
Southeast Region
706 Walnut Street Suite 200
Knoxville, TN 37902

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

June 14, 2013

RE: STB Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company -
Abandonment – in Crowders, Gaston County, North Carolina.

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County, North Carolina.

Enclosed is a combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at Lawada.Poarch@nscorp.com, or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



GASTON COUNTY

128 West Main Avenue
P.O. Box 1578
Gastonia, North Carolina 28053-1578

Assistant County Manager

Phone (704) 866-3101
Fax (704) 866-3147
e-mail: pponder@co.gaston.nc.us

April 18, 2013

Ms. Kearston Comegys, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

RE: July 31, 2012 letter regarding Docket No AB-290 (Sub – No. 339X), Norfolk Southern Railway Company – Abandonment – in Gaston County, North Carolina

Dear Ms. Comegys,

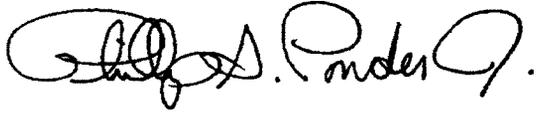
Norfolk Southern Planning Director Marcellus C. Kirchner sent Gaston County Manager Jan Winters a letter dated May 29, 2012 (attached) asking Gaston County, North Carolina's position on the proposed abandonment of .50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00. Via letter dated July 31, 2012 (attached), I indicated that Gaston County opposed the abandonment because it would deny rail access to a Gaston County industry.

The Gaston County Board of Commissioners (BOC) at their March 28, 2013 Regular Meeting conducted a public hearing to hear from industries and citizens in the area of the proposed abandonment. After the public hearing, the BOC indicated their support for the abandonment of the above-mentioned right-of-way as a means to accommodate needed road safety improvements.

The purpose of this letter is to: 1. Rescind my July 31, 2012 letter opposing the abandonment of the right-of-way and; 2. State the position of the Gaston County BOC as being in full support of the proposed right-of-way abandonment for the purpose of accommodating needed road safety improvements.

Please do not hesitate to contact me should you have questions and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip G. Ponder, Jr.", with a stylized flourish at the end.

Phillip G. Ponder, Jr.
Gaston County Assistant Manager

Cc Jan Winters, County Manager
 Charles L. Moore, County Attorney
 Donny Hicks, Economic Development Director
 John Torbett, NC General Assembly
 Mike Holder, NCDOT
 Mark Cassidy, Valley Proteins
 Jacqueline McSwain, NCDOT



GASTON COUNTY
128 W. MAIN AVE.
P.O. BOX 1578
GASTONIA, NC 28053-1578

COUNTY MANAGER
TELEPHONE: (704) 866-3101
FAX: (704) 866-3147

July 31, 2012

Ms. Kearston Comegys, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

RE: Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company –
Abandonment – in Gaston County, North Carolina

Dear Ms. Comegys:

Strategic Planning Director Marcellus C. Kirchner, via letter dated May 29, 2012, asked Gaston County Manager Jan Winters to provide comment on the above referenced abandonment. The purpose of this letter is to state our strong opposition to the proposed abandonment. Valley Protein, a Gaston County industry, is reliant upon this rail spur to provide materials so its abandonment would be very detrimental to their operations.

In summary, Gaston County is strongly opposed to this proposed abandonment and feels strongly that the rail spur should remain open to serve Valley Protein.

Please do not hesitate to contact me at 704-866-3905 or phillip.ponder@co.gaston.nc.us if you should have questions or concerns.

Your help with this matter will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip G. Ponder, Jr.", written in a cursive style.

Phillip G. Ponder, Jr.
Assistant County Manager

cc: Jan Winters, County Manager
Charles L. Moore, County Attorney
Donny Hicks, Economic Development Director
~~Mark Cassidy, Valley Proteins~~

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

United States Department of Agriculture



Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Daniel J. Wing, Soil Data Quality Specialist
Phone: (919) 873-2135
Fax: (919) 873-2157
E-mail: dan.wing@nc.usda.gov

June 29, 2012

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Dear Mr. Kirchner;

The following information is in response to your request asking for information on farmlands in the Norfolk Southern Railway Company Abandonment Project.

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as "urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a "tint overprint" on the USGS topographical maps, or as "urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question meets one or more of the above criteria for Non-Farmland. No farmland area will be affected or converted. You will not need to complete a Farmland Conversion Impact Rating form (AD1006 / CPA-106), according to the Code of Federal Regulation 7CFR 658, Farmland Protection Policy Act.

If you have any questions, please contact me at number above.

Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Wing".

Daniel J. Wing

Soil Data Quality Specialist

cc. Milton Cortes, Assistant State Soil Scientist

Helping People Help the Land

An Equal Opportunity Provider and Employer

Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Charles Wakild, P. E.
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 19, 2012

MEMORANDUM

TO: Kearston Comegys, Coordinator Abandonments

FROM: Alan Johnson, NC Division of Water Quality, Mooresville Office *aj*

SUBJECT: **Scoping Review of Proposed Bridge Removal (SR 2416), Docket No AB-290, Gaston County**

In reply to your correspondence dated May 29, 2012 in which you requested comments for the above referenced projects, the NC Division of Water Quality (DWQ) offers the following comments:

1. Based on a review of the USGS topo map, the proposed removal is for the bridge spanning Crowders Creek, Class C Waters. It is suggested that a proper site visit/wetland delineation be conducted at the proposed project area to ensure no other impacts may occur.
2. If no impacts to waters of the state are proposed, no 401 Water Quality Certification is required. However, DWQ's certification is dependent on the US ACOE permit requirements.
3. DWQ is very concerned with sediment and erosion impacts that could result from this project. Norfolk Southern shall address these concerns by describing the potential impacts that may occur to the aquatic environments and any mitigating factors that would reduce the impacts.
4. No discharge of bridge material into surface waters is allowed unless otherwise authorized by the US ACOE. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification if required.
5. All work in or adjacent to stream waters shall be conducted in a dry work area unless otherwise approved by NC DWQ.
6. Upon removal of the bridge the stream shall be stabilized utilizing soft stabilization measures and returned to its dimension, pattern and profile as practicable.
7. If temporary access roads or detours are constructed, the site shall be graded to its preconstruction contours and elevations. Disturbed areas shall be seeded or mulched to stabilize the soil and appropriate native woody species shall be planted. When using temporary structures the area shall be cleared but not grubbed. Clearing the area with chain saws, mowers, bush-hogs, or other mechanized equipment and leaving the stumps and root mat intact allows the area to re-vegetate naturally and minimizes soil disturbance.

8. Sediment and erosion control measures sufficient to protect water resources must be implemented and maintained in accordance with the most recent version of North Carolina Sediment and Erosion Control Planning and Design Manual and the most recent version of NCS000250.
9. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures should be used to prevent excavation in flowing water.
10. Heavy equipment shall be operated from the bank rather than in stream channels in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into streams. This equipment shall be inspected daily and maintained to prevent contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials.

Thank you for requesting our input at this time. If you have any questions or require additional information, please contact David Wainwright at (919) 807-6405.

cc: Liz Hair, US Army Corps of Engineers, Asheville Field Office
Sonia Corrillo, Transportation Unit, Wetlands

St. Dennis, Kearston Comegys

From: Beth Walls <Walls.Beth@epamail.epa.gov>
Sent: Tuesday, June 05, 2012 11:16 AM
To: Comegys, Kearston
Cc: Heinz Mueller; walls.beth@epa.gov
Subject: Docket No. AB-290 (Sub No. 339X), Norfolk Southern Railway Company – Abandonment –in Gaston County, NC

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: unavailable

Dear Mr. Comegys:

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 29, 2012, letter to US EPA, Region 4, regarding a request for EPA's review of the proposed 0.50 mile rail line abandonment project in Crowders City, Gaston County, North Carolina. Mr. Kirchner requested us to direct our response to you.

According to the above-referenced letter, NS is proposing to abandon rail line between railway Mileposts (MP) HG 37.50 and 38.00. The letter indicates the proposed action will not involve new road construction, dredging, nor fill deposition and the underlying road bed will not be disturbed. This letter requested EPA's advice as to whether a Clean Water Act (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. The enclosed DeLorme Street Atlas map does depict the presence of Crowders and South Crowders creeks in the vicinity of the proposed action. Thus, there is a potential for CWA-defined waters to be impacted. The letter indicates two bridges are to be removed along with the track and materials. The letter states no direct discharge into CWA-defined waters is anticipated to be associated with the proposed action. But, there may be the potential for stormwater related runoff associated with the action, which may trigger a CWA 402 stormwater permit. And since I have no experience with the type of equipment or actions associated with the proposed action that could realize polluted runoff into surface waters, I cannot definitively determine whether a CWA Section 402 Storm Water Permit is required.

I can tell you EPA has delegated its CWA implementation to the State of North Carolina (North Carolina Department of Environmental and Natural Resources (NCDENR)). The State has met EPA's criteria to implement the CWA in lieu of EPA. Thus, compliance with the State of North Carolina's CWA-equivalent storm water permit is sufficient to meet the federal CWA requirements. I recommend contacting NCDENR's storm water permitting unit staff, contact information is available at <http://portal.ncdenr.org/web/wq/ws/su>.

Additionally, I would recommend NS also contact the appropriate City of Crowders department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would

be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. To obtain a City contact, the NCDENR storm water permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AFC, 61 Forsyth St.,
Atlanta, Ga 30303-8960





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

June 25, 2012

Mr. Kearston Comegys, Coordinator Abandonments
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Mr. Comegys:

Subject: Docket No. AB-290 (Sub-No. 339X), Norfolk Southern Railway Company –
Abandonment in Gaston County North Carolina

We received a letter from Mr. Marcellus C. Kirchner dated May 29, 2012, requesting our comments on the subject project and that our response be directed to you. The following comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. §4321 et seq.) and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to our records and a review of the information you provided, no federally listed endangered or threatened species or their habitats occur in the project area. Therefore, we believe the requirements under section 7 of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

Thank you for allowing us to comment on this project. If you have any questions, please contact Mr. Allen Ratzlaff of our staff at 828/258-3939, Ext. 229. In any future correspondence concerning this project, please reference our Log Number 4-2-12-201.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

Braxton C. Davis
Director

Dee Freeman
Secretary

June 5, 2012

Marcellus C. Kirchner
Director, Strategic Planning – 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

SUBJECT: Proposed Rail Abandonment, Gaston County, North Carolina (DCM#20120050)

Dear Mr. Kirchner:

We received your letter concerning the proposed abandonment of 0.50 miles of rail line between Milepost HG 37.50 and Milepost HG 38.00 in Gaston County (Docket No. AB-290 (Sub-No. 339X)). The location of the proposed project is outside of North Carolina's coastal area. Since the location of the proposed project is outside of the State's coastal area, the North Carolina Division of Coastal Management (DCM), may only exert regulatory oversight under the Federal consistency review process should the proposed project have a reasonable foreseeable effect on any coastal use or coastal resource located within a coastal county.

Based on the submitted project description and the proposed mitigation measures contained in your letter, it does **not** appear that the proposed rail abandonment would have reasonable foreseeable effect on any coastal use or coastal resource located within a coastal county. Therefore we conclude that no further regulatory review by DCM would be required unless the scope of the proposed project is revised.

As an additional thought, based on the proposed abandonment, we would encourage Norfolk Southern to consider offering the use of the roadbed into a rail-to-trails program. Should you have any further questions, please email me at stephen.rynas@ncdenr.gov or phone me at 252-808-2808 x209. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

Stephen Rynas, AICP
Federal Consistency Coordinator

Cc: Doug Huggett, Division of Coastal Management

APPENDIX D

Norfolk Southern Railway Company Abandonment in Gaston County, NC

Bridge List

Mile post	Crossing	Bridge Type	Deck construction	Length in Feet	Date Constructed
HG 37.92	Crowders Creek	Mixed Span	Open	237	1930
HG 37.95	Robinson Road SR 2416	Timber Trestle	Open	80	1950