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SEA

SERVICE DATE – AUGUST 17, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 293X)

**Norfolk Southern Railway Company – Abandonment Exemption –
In Norfolk and Virginia Beach, VA**

BACKGROUND

In this proceeding, Norfolk Southern Railway Company (NS) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 for NS to abandon an approximately 15.34-mile line of railroad in Norfolk and Virginia Beach, Virginia. The rail line extends between milepost VB 0.12 and milepost VB 15.46. A map depicting the rail line in relationship to the area served is appended to the Environmental Assessment (EA). If the petition is granted, NS would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

NS 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. NS 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) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

Except for the movement of approximately one car per month on the portion of the line between milepost VB 0.12 and milepost VB 1.75, the line has been dormant for five years. Since August 2006, there has been no traffic on any portion of the line.² NS

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-290 (Sub-No. 293X).

² Service over the portion of the line between milepost VB 1.75 and milepost VB 15.46 was discontinued in 2004. See [Norfolk Southern Railway Company –](#)

states that one carload was moved on the line during the base year (calendar year 2005). Using a rail-to-truck conversion factor of four trucks per railcar,³ SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated four new trucks per year (eight truck trips assuming an empty backhaul). This increase in truck traffic will not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e)(5)(C).

Salvage Activities

As stated above, the line is located in Norfolk and Virginia Beach, which are part of a major metropolitan area. According to NS, the line runs through an area that is 37% residential, 20% industrial, 35% unimproved, and 8% forest, and the right-of-way is generally 64 feet wide. In addition, NS has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

NS states that the right-of way should be suitable for alternative public use. According to NS, there are no plans to salvage the portion of the line that is located in Norfolk because the City of Norfolk has plans to acquire the right-of-way, track, and materials for use as a public transit corridor.⁴ NS notes that the portion of the line located in Virginia Beach has been identified as an area to be protected for future transportation options.⁵ Accordingly, NS states that salvage of the track and materials in Virginia Beach may be deferred until more definite plans for future use of the property are made.

The U.S. Army Corps of Engineers Norfolk District (Corps) has reviewed the proposed abandonment and notes that the line crosses wetlands and waters of the United States at a minimum of 11 locations. NS states that it has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. The railroad also does not intend to appreciably remove or alter the contour of the roadbed. Based on this information, the Corps has stated that, as long as the rail, tracks, ties, and other materials are removed within the right-of-way and the roadbeds are left intact, no further authorization will be required from the Corps' office.

Discontinuance of Service Exemption – In Norfolk and Virginia Beach, VA, AB-290 (Sub-No. 258X) (STB served Nov. 30, 2004). Service over the portion of the line between milepost VB 0.12 and milepost VB 1.75 was discontinued in August 2006. See Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Norfolk and Virginia Beach, VA, AB-290 (Sub-No. 269X) (STB served July 7, 2006).

³ The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

⁴ The segment within Norfolk is located between MP VB 0.12 to MP VB 4.8.

⁵ The segment within Virginia Beach is located between MP VB 4.8 to MP VB 15.46.

In addition, the line passes through 100-year floodplains. To ensure that the 100-year floodplains are not adversely affected, we will recommend a condition requiring NS to consult with the Virginia Department of Conservation and Recreation's Floodplain Management Program staff (FMP) regarding potential impacts to the 100-year floodplains and comply with the reasonable requirements of FMP.

Although the line does cross waterways and is adjacent to wetland areas, NS has no plans to alter the existing roadbed. Accordingly, in a phone consultation with NS, the Commonwealth of Virginia's Department of Environmental Quality's (DEQ) Office of Environmental Impact Review stated that a Virginia Water Protection permit is not required. DEQ did recommend the implementation of standard erosion and sediment control measures to reduce potential impacts to surface waters. Accordingly, we will recommend that NS implement standard erosion and sediment control measures during any salvage activities.

The line proposed for abandonment is within the Commonwealth of Virginia's coastal zone, and NS contacted DEQ regarding the Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.* Based on that consultation with DEQ, there were no concerns regarding the Norfolk portion of the line. However, DEQ expressed concern regarding erosion and control of storm waters on the Virginia Beach portion of the line. Accordingly, we will recommend that, prior to beginning any salvage activities, NS consult with DEQ's Coastal Zone Management Program staff to determine whether state coastal management consistency certification is required. If consistency certification is required, NS shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis, pursuant to the Coastal Zone Management Act and the Board's environmental regulations at 49 CFR 1105.9.

The Natural Resource Conservation Service (NRCS) has submitted comments stating that there are no prime agricultural lands in the area of the proposed abandonment. Accordingly, there are no potential impacts to prime farmland and, thus, no mitigation measures are necessary.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that the proposed abandonment will not adversely affect Federally listed threatened or endangered species or Federally designated critical habitat. Accordingly, no mitigation measures are necessary.

The Commonwealth of Virginia's Department of Transportation submitted comments stating that it has no objections or comments regarding the proposed abandonment.

The U.S. Environmental Protection Agency (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA is sending a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following groups and agencies for review and comment: DEQ's Office of Environmental Impact Review; DEQ's Coastal Zone Management Program; FMP; and USEPA.

Additional Comments

The City of Norfolk has submitted comments stating that it supports the proposed abandonment and that the proposed action is consistent with existing land use plans to convert the line into a public transportation corridor.

The City of Virginia Beach also submitted comments stating that city planning documents support future use of the corridor for public transit purposes. As stated above, salvage of the track and materials in Virginia Beach may be deferred until more definite plans for future use of the property are made. Because various utility facilities exist within or near the right-of-way, the City of Virginia Beach also requested consultation with NS prior to any invasive work in order to prevent damage to water and sewage lines. Accordingly, we will recommend that, prior to commencement of any salvage activities, NS consult with the City of Virginia Beach regarding its concerns about utility facilities.

HISTORIC REVIEW

The railroad has submitted the Historic Report to the Commonwealth of Virginia's Department of Historic Resources (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). In addition, the SHPO requested a Project Review Application Form, which the railroad submitted on July 30, 2007. There are six bridges on the line that range in length from 20-feet to 1,014-feet long. According to NS, the dates of construction for these bridges are not known.

SEA has not heard from the SHPO and, therefore, has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring NS 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 web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

SEA also conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not identify any Federally recognized tribes in the area of the proposed abandonment.

CONDITIONS

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

1. Prior to beginning any salvage activities, Norfolk Southern Railway Company (NS) shall consult with the Commonwealth of Virginia's Coastal Zone Management Program staff at the Department of Environmental Quality to determine whether state coastal management consistency certification is required. If consistency certification is required, NS shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. and the Board's environmental regulations at 49 CFR 1105.9.
2. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the Virginia Department of Conservation and Recreation's Floodplain Management Program staff (FMP) regarding potential impacts to the 100-year floodplains and shall comply with the reasonable requirements of FMP.
3. Prior to commencement of any salvage activities, Norfolk Southern Railway Company shall consult with the City of Virginia Beach regarding its concerns about utility facilities.
4. Norfolk Southern Railway Company (NS) 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. NS shall report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Commonwealth of Virginia's Department of Historic Resources and the public. NS 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 are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations) and continued operation by another operator. In any of these cases,

the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the petition for 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 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. 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-290 (Sub-No. 293X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: September 17, 2007.

Comment due date: October 17, 2007.

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

Vernon A. Williams
Secretary

Attachment